By Mr. BENNETT:

H.R. 15870. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hard-core unemployed; to the Committee on Ways and Means.

By Mr. HORTON:

H.J. Res. 1157. Joint resolution permitting the Congress to participate in any decision to increase U.S. involvement in the war in Vietnam; to the Committee on Foreign Affairs.

By Mr. JOELSON:

H.J. Res. 1158. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. GROSS:

H. Con. Res. 673. Concurrent resolution to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment; to the Committee on Post Office and Civil Service.

By Mr. MARSH:

H. Con. Res. 674. Concurrent resolution establishing the Joint Select Committee on Observance of the 50th Anniversary of Armistice Day; to the Committee on Rules.

By Mr. MOORHEAD:

H. Con. Res. 675. Concurrent resolution expressing the sense of the Congress that the United States should not increase its military involvement in Vietnam; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Con. Res. 676. Concurrent resolution expressing the sense of Congress that the United States should not increase its military involvement in Vietnam; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII:

315. The SPEAKER presented a memorial of the Legislature of the State of Maryland, relative to support of U.S. Armed Forces personnel stationed throughout the world, which was referred to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 15871. A bill for the relief of Raymond A. Key; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 15872. A bill for the relief of Dr. Antonio C. Quiroz; to the Committee on the Judiciary.

By Mr. EVINS of Tennessee:

H.R. 15873. A bill for the relief of Miss Tulia Boldrini; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 15874. A bill for the relief of Anna D'Angelo; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 15875. A bill for the relief of John E. Abbott and others; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 15876. A bill for the relief of Melunka Krunic; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 15877. A bill for the relief of Maria Iliana Nato de Medeiros; to the Committee on the Judiciary.

By Mr. SCHEUER:

H.R. 15878. A bill for the relief of Duke H. Vanderpuije; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 15879. A bill for the relief of Precioso Abayan Gabrillo, Jr., and his wife, Erlinda Ignacio Gabrillo; to the Committee on the Judiciary.

By Mr. ASHMORE:

H. Res. 1091. Resolution to refer the bill (H.R. 16309) entitled "A bill for the relief of Sherman Webb, and others," to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

256. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., relative to a commemorative postage stamp honoring John C. Calhoun; to the Committee on Post Office and Civil Service.

257. Also, petition of Henry Stoner, Avon Park, Fla., relative to antiriot legislation; to the Committee on Rules.

SENATE—*Monday, March 11, 1968*

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, the baffling problems in which our lives are set bring to our lips the cry, "Who is sufficient for these things?"

Reveal to us how vast are the issues and how great the enterprise committed now to our hands in the tangled affairs of our agitated world.

We turn to Thee, driven by our tension for the present, anxiety about the future, deep concern about ourselves, our Nation, and our world.

Give us ears to hear, above the noise of crashing systems, Thy voice in and through the change and confusion of our day, when in a better order of human society, pity and plenty and laughter shall return to the common ways of man, bringing to fulfillment at last the ancient prophet's dream:

Violence shall be no more heard in thy land, wasting nor destruction within thy borders.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, March 8, 1968, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 275)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

Science and technology are making the oceans of the world an expanding frontier.

In preparing for the coming decades, we must turn our attention seaward in the quest for fuels, minerals, and food—and for the natural beauty of the seashore to refresh the spirit.

Yet the sea will yield its bounty only in proportion to our vision, our boldness, our determination, and our knowledge.

During the past year we have taken new steps to strengthen the Nation's scientific and technological base for understanding and using the oceans. We have made good progress but much remains to be done in the years ahead.

The National Council on Marine Resources and Engineering Development, chaired by the Vice President, has made significant progress in mobilizing the resources of the Federal Government to meet these challenges. I am pleased to transmit to the Congress the Council's recommendations and annual report.

The Fiscal Year 1969 Budget, which is now before the Congress, includes $516 million for marine science and technology programs. Increased funding is proposed for:

—Broadening education and research in marine sciences, particularly in the Sea Grant and other university programs.

—Speeding up our research for an economical technology for extracting fish protein concentrate for use in the War on Hunger.

—Development of improved ocean buoys to collect accurate and timely data for better prediction of weather and ocean conditions.

—Expanding the Navy's advanced technology needed for work in the deep oceans, and for rescue, search and salvage.

—Constructing a new high-strength cutter for the Ice Patrol and oceanographic research in Arctic and subpolar areas.

—Preventing and alleviating pollution from spillage of oil and other hazardous ship cargoes.

—Continued mapping of the continental shelf to assist in resource development and other industrial, scientific, and national security purposes.

—Increased research and planning to improve our coastal zone and to promote development of the Great Lakes and of our ports and harbors.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

—Application of spacecraft technology in oceanography, and improved observation and prediction of the ocean environment.

Other nations are also seeking to exploit the promise of the sea. We invite and encourage their interest, for the oceans that cover three-fourths of our globe affect the destiny of all mankind. For our part, we will:

—Work to strengthen international law to reaffirm the traditional freedom of the seas.

—Encourage mutual restraint among nations so that the oceans do not become the basis for military conflict.

—Seek international arrangements to insure that ocean resources are harvested in an equitable manner, and in a way that will assure their continued abundance.

Lack of knowledge about the extent and distribution of the living and mineral resources of the sea limits their use by all nations and inhibits sound decisions as to rights of exploitation. I have therefore asked the Secretary of State to explore with other nations their interest in joining together in long-term ocean exploration.

Such activities could:

—Expand cooperative efforts by scientists from many nations to penetrate the mysteries of the sea that still lie before us;

—Increase our knowledge of food resources, so that we may use food from the sea more fully to assist in meeting world-wide threats of malnutrition and disease;

—Bring closer the day when the peoples of the world can exploit new sources of minerals and fossil fuels.

While we strive to improve Government programs, we must also recognize the importance of private investment, industrial innovation, and academic talent. We must strengthen cooperation between the public and private sectors.

I am pleased and proud to report that we have made substantial progress during the first full year of our marine science program, dedicated to more effective use of the sea.

We shall build on these achievements.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *March 11, 1968.*

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business and that statements made therein be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to public bodies which upon sale by the Farmers Home Administration shall bear taxable interest (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED 2-YEAR EXTENSION OF AUTHORITY FOR MORE FLEXIBLE INTEREST RATES AND OTHER PURPOSES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues (with an accompanying paper); to the Committee on Banking and Currency.

PROPOSED LEGISLATION TO AUTHORIZE AND FOSTER JOINT RATES FOR INTERNATIONAL TRANSPORTATION OF PROPERTY

A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to authorize and foster joint rates for international transportation of property, to facilitate the transportation of such property and for other purposes (with accompanying papers); to the Committee on Commerce.

HIGH SPEED GROUND TRANSPORTATION

A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to extend for 2 years the program of research and development undertaken by the Secretary of Transportation in high-speed ground transportation, and for other purposes (with an accompanying paper); to the Committee on Commerce.

AUTHORIZATION OF APPROPRIATIONS FOR THE CORPORATION FOR PUBLIC BROADCASTING

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF A NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of Yandranka Martinovic from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on October 2, 1967; to the Committee on the Judiciary.

PROPOSED SAFE DRINKING WATER ACT OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act so as to help secure safe community water supplies, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED U.S. DRUG COMPENDIUM ACT OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for the U.S. Compendium of Drugs which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and a price information supplement, and to provide for distribution of the compendium to physicians and others, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law the first annual report of the Council, dated January 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF THREE STUDIES REQUIRED BY THE FEDERAL WATER POLLUTION CONTROL ACT

A letter from the Secretary, Department of Interior, the reports of three studies required by the Federal Water Pollution Control Act, as amended by the Clean Water Restoration Act of 1966 (with accompanying reports); to the Committee on Public Works.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest and requesting action looking to their disposition (with accompanying papers); to the Joint Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the House of Representatives of the State of Ohio; to the Committee on Finance:

"H. RES. 187

"Resolution to memorialize the Congress of the United States to establish a quota system on the import of foreign steel

"Whereas, The members of the House of Representatives of the 107th General Assembly of Ohio are fully cognizant of the detrimental effects being caused by the rising amount of foreign steel imported into this country; and

"Whereas, Steel imports currently cost the American steel industry about twelve per cent of its domestic market, causing immense harm to this basic industry, which is of major importance to our country's welfare; and

"Whereas, If this steel were produced in the United States it would represent the output of eighty thousand American steelworkers, and would have provided thousands of other jobs for workers in related and supporting industries, it would have increased federal and state tax revenues, and would have alleviated our critical balance of payments position; and

"Whereas, The American steel industry is fully capable of producing and shipping all the steel this country can use, (except in the case of prolonged interferences to production) and American steel is inferior to none; and

"Whereas, The major reason foreign steel is cheaper than American steel is the fact that labor costs in foreign steel-producing countries are only a fraction of labor costs in the United States and, since American steel producers' profits are just a fraction of

the foreign labor cost differential, the reduction of American steel prices would be no solution; and

"Whereas, The problem cannot be solved by simply increasing American steel exports because of the great disparity in labor costs and, as above mentioned, because of the high foreign government nontariff trade barriers, in the form of duties, levies, and taxes, on American steel, which barriers are far higher than current American duties imposed on foreign steel coming into this country; and

"Whereas, A continued use of steel imports would weaken and erode the capability of the domestic steel industry to fulfill current and emergency demands of our National Security; and

"Whereas, Ohio is among the leading states in the use and production of steel, and the steel industry is one of the largest of Ohio taxpayers, so that the stress caused American steel companies by the rising amount of foreign steel importation is felt with particular gravity in Ohio; therefore be it

"Resolved, That the members of the House of Representatives of the 107th General Assembly of Ohio, by adopting this Resolution, strongly urge the Congress of the United States to move with the utmost haste to establish a sound and effective quota system on the import of foreign steel; and be it further

"Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President of the United States; the Vice-President of the United States; the Speaker of the House of Representatives; and to each Senator and Representative from Ohio in the Congress of the United States.

"Adopted February 27, 1968.

"Attest:

"CARL GUESS,
Clerk."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Finance:

"HOUSE JOINT MEMORIAL 1005

"Joint memorial memorializing the Congress of the United States to enact legislation providing tax relief and incentives for air, water, and other pollution control facilities

"Whereas, The Federal Government is in the process of requiring the control of pollution under 'the Federal Water Pollution Control Act', 'The Air Quality Act of 1967', and other Acts; and

"Whereas, Colorado and almost all of the rest of the States have enacted and are enforcing air, water, and other pollution control laws; and

"Whereas, Pollution control facilities have been and are being installed to protect and to benefit the public and their cost should therefore be borne by the public; and

"Whereas, Pollution control facilities are not generally economically productive and their enormous cost is a heavy burden on private business and industry; and

"Whereas, Twenty-three states have enacted and many more are presently considering the enactment of tax relief measures for pollution control facilities; and

"Whereas, The major tax impact on private business and industry is made by the federal income tax; therefore, the federal government has the greater capacity for providing tax relief and incentives for pollution control facilities; and

"Whereas, Since the federal government as well as state governments are requiring control facilities, the federal government should share in the cost of providing tax relief and incentives to private business and industry for pollution control facilities; and

"Whereas, The United States Senate Committee on Public Works has recognized the need for such tax relief and incentive for pollution control and has strongly urged the appropriate committees of the Congress to consider such legislation; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado, the Senate concurring herein:

"That Congress of the United States is hereby memorialized to enact legislation providing tax relief and incentives to private business and industry for pollution control facilities.

"Be It Further Resolved, That a copy of this Memorial be sent to each the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and to each member of Congress from the State of Colorado.

"MARK A. HOGAN,
"President of the Senate.
"COMFORT W. SHAW,
"Secretary of the Senate.
"JOHN D. VANDERHOFF,
"Speaker of the "House of Representatives.
"HENRY C. KIMBROUGH,
"Chief Clerk of the "House of Representatives."

A resolution of the District of Columbia Council, Washington, D.C., praying for enactment of legislation to provide for representation of the citizens of the District of Columbia in the Congress; to the Committee on the Judiciary.

A petition signed by Ohio Bell, of Chicago, Ill., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKE:

S. 3127. A bill for the relief of Antonio Guardino; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3128. A bill to amend the Housing Act of 1949 to provide interim assistance for blighted areas;

S. 3129. A bill to authorize the Secretary of Housing and Urban Development to extend assistance under certain programs relating to the repair and rehabilitation of housing to certain areas other than areas in which urban renewal projects or programs of concentrated code enforcement activities are being carried out;

S. 3130. A bill to amend section 116 of the Housing Act of 1949, to authorize grants for demolition of nonresidential structures that are harborage or potential harborage of rats; and

S. 3131. A bill to amend section 110(c) of the Housing Act of 1949 to broaden the permissible uses of air rights sites acquired in connection with urban renewal projects; to the Committee on Banking and Currency.

(See the remarks of Mr. MONDALE when he introduced the above bills, which appear under a separate heading.)

By Mr. JACKSON (for himself, Mr. LAUSCHE and Mr. NELSON):

S. 3132. A bill to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. JACKSON when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 3133. A bill to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3134. A bill to facilitate equipment interchange between and among the several modes of transportation; and

S. 3135. A bill to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bills which appear under separate headings.)

By Mr. BREWSTER:

S. 3136. A bill for the relief of Chau Fuk, Chu Wu Ming, Pang Hing Tam, Mui Tai, Ching Lai, Fui Ip, Cheong Pang, Pong Kam Ng, and Kwan Tse Pun; to the Committee on the Judiciary.

By Mr. HANSEN:

S. 3137. A bill to impose quotas on the importation of lamb meat; to the Committee on Finance.

(See the remarks of Mr. HANSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. RANDOLPH:

S.J. Res. 151. Joint resolution designating the month of May 1968 as "National Airmail Golden Anniversary Month"; to the Committee on the Judiciary.

S. 3128, S. 3129, S. 3130, AND S. 3131—INTRODUCTION OF BILLS TO MAKE EXISTING HOUSING PROGRAMS MORE RESPONSIVE TO LOCAL NEEDS

Mr. MONDALE. Mr. President, today I am introducing four bills designed to make existing housing programs more responsive to local needs. These bills call for no additional expenditures, rather they represent minor, yet necessary modifications which will present communities with adequate tools to deal with local problems.

The four bills would first provide interim assistance to blighted areas, which will permit a community to finance emergency projects in a neighborhood which will be an urban renewal or code enforcement area in the near future; second, extend the rehabilitation grant and loan programs to these neighborhoods to begin the immediate upgrading of the neighborhood instead of waiting for months while the application for Federal funds goes through one review after another; third, expand the demolition program to include nonresidential buildings which are rat harborages or potential rat harborages; and fourth, extend the acceptable uses of air rights under urban renewal legislation to include air rights for the construction of educational facilities and other uses deemed appropriate by the Secretary of Housing and Urban Development.

Mr. President, I feel that much of our urban legislation has been drafted in a restrictive form in the past. This should not be the case. Legislation is needed to make Federal aid programs more flexible and more readily available to help communities meet emergency situations.

These four bills are a start in remolding our present programs. Mr. President,

I would like to summarize the need for each of the bills I am introducing.

INTERIM ASSISTANCE TO BLIGHTED AREAS

This bill would permit a community to take interim steps to alleviate harmful conditions in any slum or blighted area which is planned for clearance, rehabilitation, or code enforcement in the near future, but which needs some immediate action until the community's plan is approved by the Federal Government.

In 1949 Congress enacted urban renewal legislation designed to clear slums and provide adequate housing for all American families. Beginning in 1954 Congress recognized that the urban renewal program should not merely concentrate on clearance but should also emphasize neighborhood rehabilitation and conservation to avoid the necessity of clearance at a later date. Presently, there are two programs, rehabilitation and code enforcement, designed to assist communities fight blight without total clearance and the ensuing disruption to community life.

Yet all three programs, clearance, rehabilitation and code enforcement have the problem of not being quick responses to the needs of the residents of the neighborhoods. There is a time lag between the announcement that a community will take action in a neighborhood and the actual beginning of work. It is during this time lag that the supply of credit in the neighborhood ends, that there are no community improvements and that there is further deterioration. This is particularly significant if the neighborhood is scheduled for conservation; the time lag may result in changing a neighborhood from one which can be saved into one which must be cleared.

It is difficult to explain to the residents of a neighborhood that action must be delayed a year while the application is reviewed and re-reviewed. This bill, if enacted, would permit the community to implement some of the needed neighborhood improvement. This in turn would convince the residents that the community is not procrastinating. These improvements would serve as visible proof that the community is committed to the overall upgrading of the neighborhood.

This bill would provide that Federal assistance would be available—under the same provisions as the urban renewal formula—to cover the cost of emergency projects needed in the neighborhood. Such activities could include—

First, repairing serious deficiencies in streets, sidewalks, and other public property;

Second, improving private property if it is a menace to public health;

Third, demolishing buildings when they endanger public health;

Fourth, establishing temporary playgrounds; and

Fifth, improving public services to the residents of the neighborhood.

Mr. President, this is not a new, expensive scheme but is merely a means for a community to demonstrate its concern for a neighborhood without waiting for the endless process of review to be completed. Last year, the Senate Banking and Currency Committee approved similar legislation in S. 2700 to provide such interim assistance to urban renewal areas which would eventually be cleared. This bill extends this principle to rehabilitation and code enforcement areas where the need for immediate results is even greater. It is my hope that this bill will be included in the omnibus housing bill reported out of the committee this session.

INTERIM REHABILITATION AID

My second bill is an extension of this interim assistance principle. It will allow a community to implement the special rehabilitation aid programs in neighborhoods scheduled for rehabilitation or code enforcement, but not yet approved for such activity by the Federal Government.

At the present time, there are three special rehabilitation programs, which can only operate in a federally approved rehabilitation or concentrated code enforcement program.

First, there is a direct loan program—section 312—for rehabilitation. This program provides 3-percent loans for improving residential and nonresidential property. Second, there is a direct rehabilitation grant program—section 115—which provides direct grants of up to $1,500 for rehabilitating owner-occupied dwellings where the family income is below $3,000 a year. Third, there is an FHA insurance program—section 220(h)—which can be used to insure acceptable risk loans made for property improvement in single family and multifamily dwellings.

Mr. President, one possible criticism of this interim approach could be that the rehabilitation activities might occur in an unplanned fashion and contrary to the community's objections. However, this legislation contains certain requirements that must be met before the community can proceed with this interim rehabilitation aid. They are:

First. The governing body of the community must determine that the neighborhood contains a substantial number of structures in need of rehabilitation.

Second. The community must have in effect a workable program meeting the requirements of the Housing Act of 1949.

Third. The property is in need of rehabilitation.

Fourth. The rehabilitation of this property is consistent with the community's plan for rehabilitation or code enforcement.

Thus this bill would extend these invaluable aids to neighborhoods which will be approved for rehabilitation in the near future. This extension is needed to assist a community to improve the living conditions for its residents. Why should we limit such assistance to areas approved by the Federal Government when the need for this help may be greater in another neighborhood but this neighborhood's application is stuck somewhere in the endless review process?

DEMOLITION GRANTS

My third bill would amend the demolition grant program to authorize grants for demolition of nonresidential structures that constitute harborage or potential harborage for rats.

In 1965 Congress established a program of grants to aid communities in destroying unsafe residential structures. This legislation has been most helpful in eliminating dwellings unfit for human habitation.

However, these grants are limited to residential structures and cannot be used by a community in a comprehensive program aimed at rat extermination if the rat harborages are nonresidential structures. This bill would amend the 116 demolition program and permit the demolition of nonresidential property if there is a systematic rodent control program underway in the neighborhood, and if the building is a harborage or potential harborage of rats.

This is needed legislation; it has been specifically endorsed by the cities of Detroit, Philadelphia, and Chicago. These communities recognize that the rats are located in garages, sheds and outbuildings. This bill would permit the destruction of these dwellings and the eradication of the rodents.

AIR RIGHTS

My fourth bill would broaden the uses of air right sites acquired in connection with an urban renewal project. In 1964 air right sites were included as an eligible part of an urban renewal project, but these sites were limited to housing for low and moderate income housing. In 1966 the use of air rights was extended to industrial projects.

This bill would extend the use of air rights for educational facilities, and would permit the Secretary to allow other uses as he deems appropriate. This legislation will give a community more flexibility in planning for projects to be included in an urban renewal program.

Mr. President, I ask unanimous consent that these four bills be printed in the RECORD at this point.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. MONDALE, were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3128

A bill to amend the Housing Act of 1949 to provide interim assistance for blighted areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"INTERIM ASSISTANCE FOR BLIGHTED AREAS

"SEC. 118. Notwithstanding any other provision of this title, the Secretary is authorized to enter into contracts to make, and to make, grants as provided in this section (payable from any grant funds provided under section 103(b)) to cities, other municipalities, and counties for the purpose of assisting such localities in carrying out programs to alleviate harmful conditions in slum and blighted areas which are planned for substantial clearance, rehabilitation, or federally assisted code enforcement in the near future but in which some immediate public action is needed until clearance, rehabilitation or code enforcement activities can be undertaken. Such grants shall not exceed two-thirds (or three-fourths in the case of any city, other municipality, or county having a population of 50,000 or less according to the most recent decennial census) of the cost of planning and carrying out pro-

grams which may include (1) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings to meet needs consistent with the short-term continued use of the area prior to the undertaking of the contemplated clearance or upgrading activities, (2) the improvement of private properties to the extent needed to eliminate the most immediate dangers to public health and safety, (3) the demolition of structures determined to be structurally unsound or unfit for human habitation and which constitute a public nuisance and serious hazard to the public health and safety, (4) the establishment of temporary public playgrounds on vacant land within the area, and (5) the improvement of garbage and trash collection, street cleaning, and similar activities through the employment of otherwise unemployed or underemployed residents of the area. The provisions of sections 101(c), 106, and 114 shall be applicable to activities and undertakings assisted under this section to the same extent as if such activities and undertakings were being carried out in an urban renewal area as part of an urban renewal project."

S. 3129

A bill to authorize the Secretary of Housing and Urban Development to extend assistance under certain programs relating to the repair and rehabilitation of housing to certain areas other than areas in which urban renewal projects or programs of concentrated code enforcement activities are being carried out

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 312(a) of the Housing Act of 1964 is amended to read as follows:

"SEC. 312. (a) The Secretary is authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners and tenants of property to finance the rehabilitation of such property. No loan shall be made under this section unless—

"(1)(A) the property is situated in an urban renewal area or an area in which a program of concentrated code enforcement activity is being carried out pursuant to section 117 of the Housing Act of 1949, and the rehabilitation is required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area; or

"(B)(i) the property is in an area (other than an area described in subparagraph (A)) which the governing body of the locality has determined, and so certifies to the Secretary, contains a substantial number of structures in need of rehabilitation, (ii) there is in effect for the locality a workable program meeting the requirements of section 101(c) of the Housing Act of 1949, (iii) the property is in need of rehabilitation, and (iv) the area is scheduled for rehabilitation or concentrated code enforcement within a reasonable time, and the rehabilitation of this property is consistent with the plan for rehabilitation or code enforcement.

"(2) the applicant is unable to secure the necessary funds from other sources upon comparable terms and conditions; and

"(3) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan."

SEC. 2. Section 115(a) of the Housing Act of 1949 is amended by inserting "(1)" after "(a)", and by adding at the end thereof a new paragraph as follows:

"(2) In addition to the authority conferred by paragraph (1), and notwithstanding any other provision of this title, the Secretary is authorized, through the utilization of local public agencies where feasible, to make grants (payable from any grant funds provided under section 103(b)) to an individual or family, as described in subsection (b), to cover the cost of repairs and improvements necessary to make a structure owned and occupied by such individual or family conform to public standards for decent, safe, and sanitary housing. No grants shall be made under this paragraph in the case of any property, unless (A) such property is in an area within a locality (other than an urban renewal area) which the governing body of the locality has determined, and so certifies to the Secretary, contains a substantial number of structures in need of such repairs and improvements, (B) there is in effect for the locality a workable program meeting the requirements of section 101(c) of this title, and (C) the area is scheduled for rehabilitation or concentrated code enforcement within a reasonable time, and such repairs and improvements to any property is consistent with the plan for rehabilitation or concentrated code enforcement.

SEC. 3. Section 220(h) of the National Housing Act is amended—

(1) by inserting after "of this section," in the first sentence the following: "or in such other area of a locality as may be approved by the Secretary,"; and

(2) by adding after the first sentence the following: "No home improvement loan shall be insured hereunder to finance improvements to any property in an area other than an area of an urban renewal project, or an area in which a program of concentrated code enforcement activities is being carried out, unless the property is situated in an area of a locality which the governing body of the locality has determined (and so certifies to the Secretary) contains a substantial number of deteriorating or substandard housing structures; there is in effect for the locality a workable program meeting the requirements of section 101(c) of the Housing Act of 1949; the area is scheduled for rehabilitation or concentrated code enforcement within a reasonable time and repair and improvement to such structures is consistent with the plans for rehabilitation or code enforcement."

S. 3130

A bill to amend Section 116 of the Housing Act of 1949, to authorize grants for demolition of nonresidential structures that are harborage or potential harborage of rats

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 116 of the Housing Act of 1949 is amended by—

(1) striking out in the first sentence all language after "demolishing structures" and inserting in lieu thereof the following: "which such city, municipality, or county has authority under State or local law to demolish and which have been determined to be (1) residential property that is structurally unsound or unfit for human habitation, or (2) other property that is hazardous to health and safety, dilapidated, unused, and harborage or potential harborage of rats"; and

(2) adding the following sentence to subsection (b): "The requirement of clause (2) of the preceding sentence shall not be applicable to structures to be demolished under authority of clause (2) of subsection (a) of this section if there is a systematic rodent control program underway in the neighborhood in which the structures are located."

S. 3131

A bill to amend Section 110(c) of the Housing Act of 1949 to broaden the permissible uses of air rights sites acquired in connection with urban renewal projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 110(c)(1)(IV) of the Housing Act of 1949 is amended by striking out "for use for industrial development" and inserting in lieu thereof "for use for the development of industrial or educational facilities, or for such other use as may be approved by the Secretary."

(b) Section 110(c)(7) of such Act is amended by striking out "for industrial development" and inserting in lieu thereof "for the development of industrial or educational facilities, or for such other use as may be approved by the Secretary."

S. 3132—INTRODUCTION OF BILL RELATING TO SURFACE MINING REGULATION AND RECLAMATION—NOTICE OF HEARINGS

Mr. JACKSON. Mr. President, I send to the desk, for appropriate reference, a bill which was drafted and submitted by Interior Secretary Udall to provide for a joint Federal-State system for regulation of surface-mining operations and the reclamation of surface-mined areas.

This measure is a part of the President's program for national renewal set forth in his message of March 8. The Members of the Senate will recall that the President said, in pertinent part:

Advances in mining technology have allowed us to extract the earth's minerals economically and swiftly.

But too often these new techniques have been used unwisely and stripping machines have torn coal and other minerals from the surface of the land, leaving 2 million acres of this Nation sterile and destroyed. The unsightly scars of strip mining blight the beauty of entire areas, and erosion of the damaged land pours silt and acid into our streams.

Under present practices, only one-third of the land being mined is also being reclaimed. This start has been made by responsible individuals, by mining companies, and by the States that have already enacted laws to regulate surface mining.

America needs a nationwide system to assure that all lands disturbed by surface mining in the future will be reclaimed. This can best be achieved through cooperative efforts between the States and the Federal Government.

The proposed legislation I am introducing would carry out the purposes set forth by President Johnson.

I ask unanimous consent that the text of the measure, the executive communication by which the draft of the bill was submitted, and an explanation of its principal provisions be set forth in full at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill, letter, and explanation will be printed in the RECORD.

The bill (S. 3132) to provide for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface-mining operations, and for other purposes, introduced by Mr. JACKSON (for himself, Mr. LAUSCHE, and Mr. NELSON), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Mining Reclamation Act of 1968."

DEFINITIONS

SEC. 2. For the purpose of this Act, the term—

(a) "Secretary" means the Secretary of the Interior;

(b) "reclamation" means the reconditioning or restoration of an area of land or water, or both, that has been adversely affected by surface mining operations;

(c) "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between a State and any other place outside thereof, or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof;

(d) "surface mine" means (1) an area of land from which minerals are extracted by surface mining methods, including auger mining, (2) private ways and roads appurtenant to such area, (3) land, excavations, workings, refuse banks, dumps, spoil banks, structures, facilities, equipment, machines, tools, or other property on the surface, resulting from, or used in, extracting minerals from their natural deposits by surface mining methods or the onsite processing of such minerals;

(e) "surface mined area" means any area on which the operations of a surface mine are concluded after the effective date of a State plan or the regulations issued under section 8 of this Act, whichever is applicable;

(f) "person" means an individual, partnership, association, corporation, or other business organization;

(g) "State" includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam; and

(h) "State plan" or "plan" means the whole or any portion or segment thereof.

CONGRESSIONAL FINDING

SEC. 3. The Congress finds and declares—

(a) That extraction of minerals by surface mining is a significant and essential industrial activity and contributes to the economic potential of the Nation;

(b) That there are surface mining operations in the Nation that burden and adversely affect commerce by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods and the pollution of waters, by destroying fish and wildlife habitat and impairing natural beauty, by counteracting efforts to conserve soil, water, and other natural resources, by destroying or impairing the property of citizens, and by creating hazards dangerous to life and property;

(c) That regulation by the Secretary and cooperation by the States as contemplated by this Act are appropriate to prevent and eliminate such burdens and adverse effects;

(d) That, because of the diversity of terrain, climate, biologic, chemical, and other physical conditions in mining areas, the establishment on a nationwide basis of uniform regulations for surface mining operations and for the reclamation of surface mined areas is not feasible;

(e) That the initial responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining operations and for the reclamation of surface mined areas should rest with the States; and

(f) That it is the purpose of this Act to provide a nationwide program to prevent or substantially reduce the adverse effects to the environment from surface mining, to assure that adequate measures will be taken to reclaim surface mined areas after operations are completed, and to assist the States in carrying out such a program.

MINES SUBJECT TO ACT

SEC. 4. After the effective date of this Act, each surface mine, the products of which enter commerce or the operations of which affect commerce, and the surface mined area thereof shall be subject to this Act.

FEDERAL AND STATE COOPERATION

SEC. 5. (a) In furtherance of the policy of this Act, the Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State plans for the regulation of surface mines and the reclamation of surface mined areas, consistent with the provisions of section 7 of this Act, and to cooperate and consult with other Federal agencies in carrying out the provisions of this Act.

(b) In cooperating with appropriate State agencies under this Act, the Secretary may provide such agency (1) technical and financial assistance in planning and otherwise developing an adequate State plan for the regulation of surface mines and the reclamation of surface mined areas, (2) technical assistance and training, including necessary curricular and instructional materials, and financial and other aid for administration and enforcement of such a plan; and (3) assistance in preparing and maintaining a continuing inventory of surface mined areas and active mining operations within the State for the evaluation of current and future needs and the effectiveness of mining and reclamation regulatory measures.

(c) The amount of any grant the Secretary may make to any State to assist them in meeting the total cost of the cooperative program in each State shall not exceed 50 per centum of such cost: *Provided*, That such payment shall not be made for more than three years unless a State plan has been submitted and approved by the Secretary and thereafter such payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary deems adequate to effectuate the purposes of this Act.

(d) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency designated by the State to have responsibility for the administration and enforcement of a State plan approved under this Act: *Provided*, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State, waive the single State agency provision hereof and approve another State administrative structure or arrangement if the Secretary determines that the objectives of this Act will be enhanced by the use of such other State structure or arrangement.

ADVISORY COMMITTEES

SEC. 6. (a) The Secretary may appoint advisory committees which shall include, among others, State representatives, persons qualified by experience or affiliation to present the viewpoint of operators of surface mines, and persons qualified by experience or affiliation to present the viewpoint of conservation and other interested groups, to advise him in carrying out the provisions of this Act. The Secretary shall designate the chairman of each committee.

(b) Advisory committee members, other than employees of Federal, State, or local governments, while performing committee business, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time. While so serving away from their homes or regular places of business, members may be paid travel expenses and per diem in lieu of subsistence at rates authorized by 5 U.S.C. 5703 for persons intermittently employed.

STATE PLAN

SEC. 7. (a) A State may, after public hearings, submit to the Secretary at any time a State plan or a proposal for a revision in a plan previously approved by the Secretary for the regulation of surface mines and the reclamation of surface mined areas located within the State. The Secretary shall, after giving appropriate Federal agencies a reasonable opportunity to review and comment thereon, approve a State plan or revision thereof if—

(1) He determines that, in his judgment, the plan includes laws and regulations which—

(A) promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment;

(B) provide that an adequate mining plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced or continued, that they will be conducted in a manner consistent with said mining plan;

(C) contain, in connection with surface mines and surface mined areas, criteria relating specifically to (i) the control of erosion, flooding, and pollution of water, (ii) the isolation of toxic materials, (iii) the prevention of air pollution by dust or burning refuse piles or otherwise, (i) the reclamation of surface mined areas by revegetation, replacement of soil, or other means, (v) the maintenance of access through mined areas, (vi) the prevention of land or rockslides, (vii) the protection of fish and wildlife and their habitat, and (viii) the prevention of hazards to public health and safety;

(D) promote the reclamation of surface mined areas by requiring that reclamation work be planned in advance and completed within reasonably prescribed time limits;

(E) provide for evaluation of environmental changes in surface mined areas and in areas in which surface mines are operating in order to accumulate data for assessing the effectiveness of the requirements established;

(F) provide adequate measures for enforcement, including criminal and civil penalties for failure to comply with applicable State laws and regulations; periodic inspections of surface mines and reclamation work; periodic reports by mining operators on the methods and results of reclamation work; the posting of performance bonds adequate to insure the land is reclaimed; and the revocation of permits for failure to comply with the terms of the permits or of the provisions of the regulation or laws under which the permits are issued; and

(2) The Secretary determines that, in his judgment, the plan includes—

(A) adequate provision for State funds and personnel to assure the effective administration and enforcement of the plan and, if needed, the establishment of training programs for operators, supervisors, and reclamation and enforcement officials in mining and reclamation practices and techniques;

(B) provision for the making of such reports to the Secretary as he may require; and

(C) authorization by State law and that it will be put into effect not later than 60 days after its approval by the Secretary.

(b) After approval of a plan, the Secretary, on the basis of such inspections, investigations, or examinations as he deems appropriate and reports submitted by the State, shall make a continuing evaluation of the effectiveness of the approved plan and the enforcement thereof. Whenever he determines, after notice to the State agency referred to in subsection (d) of section 5, and opportunity for a hearing:

(1) that the State, in administering the plan, has failed to comply substantially with it or to enforce it adequately, he shall notify the State thereof and if within a reasonable time the State has not taken adequate measures, in his judgment, to correct the situation, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act; and

(2) that a revision of an approved plan is appropriate to effectuate the purposes of this Act, he shall notify the State thereof, and if within a reasonable time the State

has not revised said plan and obtained the approval of the Secretary thereon, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act.

FEDERAL REGULATION OF SURFACE MINES

SEC. 8. (a) If, at the expiration of two years after the effective date of this Act, a State fails to submit a State plan, or a State has submitted a plan which has been disapproved and has within such period failed to submit a revised plan for approval, the Secretary, in consultation with an advisory committee appointed pursuant to this Act, shall issue promptly regulations for the operation of surface mines and for the reclamation of surface mined areas in such State: *Provided*, That if the Secretary has reason to believe that a State will submit an acceptable plan within one additional year after the expiration of the two-year period, he may delay the issuance of Federal regulations for such one-year period of time. If a State has within two years after the effective date of this Act submitted a plan for approval and the two-year period in the first sentence of this section has expired before the Secretary has approved or disapproved the plan, the Secretary shall delay the issuance of Federal regulations pending the approval or disapproval of the plan. The Federal regulations issued by the Secretary for a particular State shall be consistent with the principles set forth in subsection (a)(1) of section 7 of this Act.

(b) The Secretary shall publish in the Federal Register the regulations which he proposes to issue for a particular State. Interested persons shall be afforded a period of not less than 60 days after the publication of such regulations within which to submit written data, views, or arguments. Except as provided in subsection (c) of this section, the Secretary may, after the expiration of such period and after consideration of all relevant matter presented, issue the regulations with such modifications, if any, as he deems appropriate.

(c) On or before the last day of a period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by the regulations which the Secretary proposes to issue may file with the Secretary written objections thereto stating the grounds therefor and requesting a public hearing on such objections. The Secretary shall not issue regulations respecting which such objections have been filed until he has taken final action upon them as provided in subsection (d) of this section. As soon as practicable after the period of filing such objections has expired the Secretary shall publish in the Federal Register a notice specifying the provisions of the regulations to which such objections have been filed.

(d) If such objections requesting a public hearing are filed, the Secretary, after notice, shall hold a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing any interested person may be heard. As soon as practicable after the completion of the hearing, the Secretary shall act upon such objections and make public his decision.

(e) The Secretary may from time to time revise such regulations in accordance with the procedures prescribed in subsections (a) through (d) of this section.

TERMINATION

SEC. 9. If a State submits a proposed State plan to the Secretary after Federal regulations have been issued pursuant to section 8 of this Act, and if the Secretary approves the plan, such Federal regulations shall cease to be effective within the State 60 days after the approval of the State plan by the Secretary. Such Federal regulations shall again become effective if the Secretary subsequently withdraws his approval of the plan pursuant to subsection (b) of section 7 of this Act.

INSPECTIONS AND INVESTIGATIONS

SEC. 10. (a) The Secretary is authorized to cause to be made such inspections and investigations of surface mines and surface mined areas as he shall deem appropriate to evaluate the administration of State plans, or to develop or enforce Federal regulations, and for such purposes authorized representatives of the Secretary shall have the right of entry to any surface mine or upon any surface mined area.

(b) The head of each Federal agency shall permit by agreement authorized representatives of the State or the Secretary to have the right of entry to any surface mine or upon any surface mined area located on lands under his jurisdiction, unless the Secretary of Defense finds that such entry would not be in the interest of the national security.

REGULATIONS

SEC. 11. The Secretary may issue such regulations as are deemed necessary to carry out the purposes of this Act.

INJUNCTIONS

SEC. 12. At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States for a restraining order or injunction or other appropriate remedy (a) to prevent a person from engaging in surface mining operations without a permit from the Secretary required under section 8 of this Act, or in violation of the terms and conditions of such permit or the Federal regulations issued under section 8 of the Act; (b) to prevent a person from placing in commerce the products of a surface mine produced in violation of an approved State plan; or (c) to enforce the right of entry under section 10 of this Act. The district courts of the United States in which such person resides or is doing business or is licensed or incorporated to do business shall have jurisdiction to issue such order or injunction or to provide other appropriate remedy.

PENALTIES

SEC. 13. (a) If any person shall fail to comply with any regulation issued under section 8 of this Act for a period of fifteen days after notice of such failure, such person shall be liable for a civil penalty of not more than $100 for each and every day of the continuance of such failure. The Secretary may assess and collect any such penalty, and upon application therefor may remit or mitigate any such penalty imposed.

(b) Any person who knowingly violates any regulation issued pursuant to section 8 of this Act shall, upon conviction, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both.

(c) The penalties prescribed in this section shall be available to the Secretary in addition to any other remedies afforded to him under this Act in enforcing the regulations issued under section 8 of this Act.

RESEARCH

SEC. 14. The Secretary is authorized to conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstrations, and training in carrying out the provisions of this Act. In carrying out the activities authorized by this section, the Secretary may enter into contracts with, and make grants to, institutions, agencies, organizations, and individuals, and collect and make available information thereon.

APPROPRIATIONS

SEC. 15. (a) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

(b) All appropriations and donations made pursuant to this Act, and all permit fees or other charges paid pursuant to section 8 of this Act shall be credited to a special fund in the Treasury to be known as the Mined Lands Reclamation Fund. Such sums shall be available, without fiscal year limitation, for carrying out the provisions of this Act.

OTHER FEDERAL LAWS

SEC. 16. Nothing in this Act shall affect in any way the authority of the Secretary or heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining operations and to reclaim surface mined areas on lands under their jurisdiction: *Provided*, That such conditions shall be at least equal to any law and regulation established under an approved State plan or to any regulation issued under section 8 of this Act for the State in which such lands are located. Each Federal agency shall cooperate with the Secretary and the States, to the greatest extent practicable, in carrying out the provisions of this Act.

The letter and explanation presented by Mr. JACKSON, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 8, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface mining operations and the reclamation of surface mined areas, and for other purposes." Also enclosed is a brief explanation of its major provisions.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted. It will carry out the recommendation of President Johnson in his message on this subject.

This very important proposal is based upon the findings and recommendations of the National Surface Mine Study and the Interior report entitled "Surface Mining and Our Environment", which the President transmitted to the Congress on July 3, 1967.

The study revealed that 3.2 million acres of land have been affected by surface mining in the past. Furthermore, at the present time approximately 20,000 active surface mining operations are disturbing our land at a rate estimated to exceed 150,000 acres annually. In producing the minerals needed in our economy, it is estimated that by 1980 more than 5 million acres will have been affected by these operations.

While there are many mining companies with extensive current reclamation programs, data received from various sources indicate that as recently as 1964, the amount of land being partially or completely reclaimed was approximately 30 percent of the area disturbed in that year. At the present time only 11 States have laws requiring the reclamation of surface mined lands, and unless measures are undertaken to insure reclamation of lands subject to surface mining in the future, our Nation's inventory of derelict lands will continue to grow. The study also showed that unreclaimed mined land is responsible in many instances for degradation of the environment through erosion, landslides, air and water pollution, loss of fish and wildlife habitat, and the creation of hazards to public health and safety.

In our report, we proposed that a national program be undertaken which would include both the prevention of future damage to the land from surface mining and the repair of lands damaged by such mining in the past.

It was recommended that priority be given

to Federal, State, and local programs for the prevention of future damage.

We are recommending at this time only the enactment of a program to regulate future surface mining. We believe it is essential that the States and the Federal Government move forward now with that part of the program. While it is important and desirable to remedy past mistakes if possible, we believe that it is even more important to prevent future ones now.

The reclamation of previously mined areas is a very complex subject and presents many problems. We are looking into these problems and hope that we can propose a workable program in this area in the not too distant future.

Also, at the direction of the President we will be submitting to him by April 1, 1969, a report, based on studies now being conducted, on the appropriate measures to be taken to prevent and control adverse effects to the environment resulting from underground mines and underground mining operations and the washing, sizing, or concentrating of minerals.

The Bureau of the Budget has advised that this legislative proposal is in accord with the President's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

BRIEF EXPLANATION OF PRINCIPAL PROVISIONS OF MINED LANDS CONSERVATION ACT

1. The proposal would establish a State-Federal program for the regulation of surface mining operations in the Nation. The purpose of the program is to prevent in the future the needless degradation to the environment and destruction of land values which have occurred in the past, and to assure that reasonable steps will be taken to reclaim mined areas after surface mining is completed.

The National Surface Mine Study authorized by Congress under the Appalachian Regional Development Act of 1965 found that surface mining throughout the Nation produces significant detrimental effects upon the land.

2. The proposal would apply to surface mines operating on the date of its enactment and thereafter and to areas on which surface mining operations cease after the date of enactment. It would apply to such operations wherever found in a State, including those conducted on Federal and Indian trust lands.

3. The proposal recognizes that because of the diversity of terrain, climate, and other factors from State to State and even within a single State, a uniform system of regulations is both impracticable and undesirable. It gives the States the initial opportunity to control the problem now.

4. The proposal would authorize the Secretary of the Interior to provide both technical and financial assistance to the States in developing and enforcing adequate State plans for the regulation of surface mines and the reclamation of surface mined areas. The financial assistance would be in the form of up to 50 percent grants to cover the Federal share of the State program.

5. The proposal would authorize the Secretary to establish a series of advisory committees, possibly on a regional basis, to assist him in carrying out his responsibilities under this legislation. The membership of the committees would include appropriate State and Federal people and various people from industry, conservation, or other organizations and individuals.

6. The proposal would encourage each State to submit for the approval of the Secretary an adequate and complete State plan for the regulation of surface mines and the reclamation of surface mined areas located in the State. While the plan may be submitted at any time, it must be submitted within 2 years after enactment if a State wants to forestall Federal regulation. The Secretary, however, may extend this time another year, if he believes that a State will submit an approval plan by then. In the process of adopting a State plan, the State must initiate public hearings to give interested persons and organizations an opportunity to comment thereon.

An approvable plan must—

(a) Promote an appropriate relationship between the extent of regulation and reclamation that is required and the need to preserve and protect the environment;

(b) Provide a system of permits and the filing of mining plans to enable the State to know how and what kind of operations will be commenced or continued;

(c) Provide means and measures for preventing or controlling the adverse effects of mining operations, such as air and water pollution, erosion, the prevention of slides, and the protection of fish and wildlife areas;

(d) Provide for the reclamation of surface mined areas, including the posting of an adequate performance ordinance bond which will insure that the entire cost of the reclamation will be covered; and

(e) Provide adequate measures of enforcement, funds, and personnel.

Before approving a plan, the Secretary must be satisfied that it can be carried out under State law within 60 days after his approval. Also, the Secretary must submit it to other Federal agencies having affected land holdings within the State which the plan covers or having some other direct interest in surface mining operations therein for their review and comment. We expect that their review and comment would not delay approval for any appreciable time.

7. Once approved, the Secretary would, based on State reports and field investigations, etc., continue to evaluate its effectiveness and, most particularly, the adequacy of the State's enforcement. The latter is probably the "key" to assuring that the objectives of this legislation will be met. If he determines, after an opportunity for a hearing, that the State plan has not been adequately enforced, the Secretary will notify the State of the problem and make recommendations on how enforcement can be improved. If the State fails to take corrective steps, the Secretary is authorized to withdraw his approval of the plan and issue Federal regulations.

8. Technology and conditions will change. Also, it is possible that experience will show that all or a part of the plan is defective or difficult to administer adequately. The proposal recognizes these possibilities and provides a system for instituting revisions by each State and by the Secretary.

9. Two years after enactment of this proposal, the Secretary shall issue promptly Federal regulations for the operation of surface mines and the reclamation of surface mined areas for any State or portion thereof which has not submitted a plan, unless the Secretary gives a 1 year extension to submit it, or which has had a plan disapproved.

Only 11 States have laws regulating surface mining operations. Some existing State laws do not cover surface mining of all minerals. Thus, most State governments will need to enact State legislation to authorize such regulation or to amend existing regulations. Moreover, the development of State plans will necessitate time consuming study and consultation by State officials with mining industry representatives and other interested persons. Review of proposed State plans by the Federal Government will also be time consuming. It is anticipated, however, that in the case of some of the States which already have laws governing surface mining State plans might be submitted very soon after enactment.

10. In establishing Federal regulations for surface mining in a State, the Secretary is required to consult with an appropriate advisory committee. The regulations must be consistent with the appropriate criteria set forth for the State plan in this proposed legislation.

11. The proposal would provide for the publication of proposed Federal regulations in the Federal Register and for a public hearing on request of interested parties.

12. The proposal would authorize a Mined Lands Reclamation Funds to carry out the provisions of this Act.

13. As we said earlier, the proposal would make the State plan applicable to Federal lands and to Indian trust lands. It, however, would not repeal, modify, or otherwise affect present or future Federal statutes or regulations relating to surface mining operations, except that, where there is an approved State plan or regulation issued under this legislation, the Federal lease, permit, etc., conditions must be at least equal to them.

14. The proposal would authorize the Secretary to carry out an accelerated program of research, studies, surveys, experiments, demonstrations, and training in aid of this legislation.

Mr. JACKSON. Also, Mr. President, I announce that hearings will be held by the Committee on Interior and Insular Affairs on this legislation, as well as S. 217 by Senator LAUSCHE and S. 3126, by Senator NELSON, on April 30 and May 1 in room 3110, New Senate Office Building. The hearing will begin at 10 a.m. on April 30, and anyone wishing to testify should notify the committee.

This hearing will take the place of the previously announced hearing on S. 217, Senator LAUSCHE's bill to provide a program for reclamation and control of surface mining of coal only. Thus, all persons interested in any form of surface mining will have ample opportunity to study the provisions of the measure I am introducing prior to consideration by the Senate Interior Committee.

S. 3133—INTRODUCTION OF BILL TO EXTEND FOR 2 YEARS THE AUTHORITY FOR MORE FLEXIBLE REGULATION OF RATES OF INTEREST AND CERTAIN OTHER OPERATIONS IN AGENCY ISSUES

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues. The bill is explained fully in the letter of transmittal to the President of the Senate from the Secretary of the Treasury dated March 8, 1968.

I ask unanimous consent that the bill along with Mr. Fowler's letter be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3133) to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (80 Stat. 823), as amended by the Act of September 21, 1967 (81 Stat. 226), is hereby amended by striking "two-year" and inserting in lieu thereof "four-year".

The letter, presented by Mr. SPARKMAN, is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 8, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To extend for two years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues."

The Act of September 21, 1966 (80 Stat. 823) gave the financial regulatory agencies flexible authority to set interest rate ceilings on savings accounts, authorized higher reserve requirements for member banks, and permitted open market operations in direct or fully guaranteed obligations of any agency of the United States. These authorities were provided for a period of one year but were extended for an additional one year period by the Act of September 21, 1967 (81 Stat. 226). Thus, the legislation will expire on September 21 of this year. The Department believes that the authority should be extended temporarily and the draft bill would provide a two-year extension.

The flexible interest rate authority would permit the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board to act in a timely fashion to avert potentially dangerous developments in the financial market. This authority has contributed significantly to a moderation in the excessive competition for consumer savings, has facilitated an increased flow of funds into thrift institutions, and has substantially improved the mortgage market. In view of the continued uncertainty as to conditions in the financial market, it seems clearly desirable to extend the authority of the financial supervisory agencies to regulate time and savings deposit interest rates in a coordinated manner.

The Act of September 21, 1966 also authorized an increase in the maximum reserve requirement on time and savings deposits from 6 to 10 percent, while keeping the minimum at 3 percent. This provision broadened the Federal Reserve Board's potential control over time and savings deposits of member banks should that become necessary. While this broadened authority has not yet been used, it is of significant potential value and should be extended.

Finally, the Act of September 21, 1966 clarified the authority of the Federal Reserve to make open market purchases of any direct obligation of, or any obligation guaranteed as to principal and interest by, any agency of the United States. The Federal Reserve has already made some use of this clarified authority and it should be extended to help acheive continued improvement in the market for securities of Federal agencies.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that there would be no objection to the presentation of this legislation to the Congress and that its enactment would be consistent with the Administration's objectives.

Sincerely yours,

HENRY H. FOWLER.

S. 3134—INTRODUCTION OF EQUIPMENT INTERCHANGE ACT OF 1968

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to facilitate equipment interchange between and among the several modes of transportation. The purpose of this proposed Equipment Interchange Act of 1968 is to permit carriers of different types to enter into agreements with each other to establish uniform bases for the interchange between such carriers of units of transportation equipment, such as highway trailers, containers, or other freight carrying vehicles.

At present, the Interstate Commerce Act, Federal Aviation Act of 1958, and the Shipping Acts contain provisions for the submission of such cooperative agreements to the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission by carriers subject to the separate jurisdiction of each agency. With the possible exception of the CAB, I am advised that these agencies do not presently have authority to grant antitrust exemption to agreements involving carriers not subject to the regulation of the particular agency.

This legislation will permit voluntary agreements between carriers of different types by authorizing them to enter into equipment interchange agreements subject to the approval of a joint board composed of one member each from the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission. In accordance with present statutory provisions, the approval by the joint board of an equipment interchange agreement would exempt actions taken pursuant to such agreement from the antitrust laws. It should be noted that the joint board would have authority only for approval of the equipment interchange agreements, and would have no jurisdiction over intermodal rates.

This bill is introduced at the request of the Equipment Interchange Association, an organization representing motor, rail, and water carriers; American Trucking Associations, Inc.; Chesapeake & Ohio and Baltimore & Ohio Railroads; Southern Pacific Co.; American President Lines; Matson Lines; and Pacific American Steamship Association.

I am advised that this measure will remove an obstacle to effective and efficient equipment interchange and will promote coordinated freight transportation. Of particular interest, this bill might well assist our Nation's carriers in expanding exports to foreign nations, and in making America a land bridge for commerce between Asia and Europe.

I ask unanimous consent that a copy of the bill, and the letters of support from the various carriers be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letters will be printed in the RECORD.

The bill (S. 3134) to facilitate equipment interchange between and among the several modes of transportation, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

SECTION 1. This act may be cited as the Equipment Interchange Act of 1968.

SEC. 2. Definitions.

The term "carrier" as used herein means a common carrier by railroad as defined in Part I of the Interstate Commerce Act, a common carrier by motor vehicle as defined in Part II of the Interstate Commerce Act, a common carrier by water as defined in Part III of the Interstate Commerce Act, a common carrier by water as defined in the Shipping Act, 1916 (46 U.S.C. 801), or in the Intercoastal Shipping Act, 1933 (46 U.S.C. 843), a direct air carrier subject to the Federal Aviation Act of 1958, and a transportation company located in a foreign country.

The term "antitrust law" as used herein has the meaning assigned to such term in section 1 of the Act entitled "an Act to supplement existing laws against unlawful restraints and monopolies and for other purposes," approved October 15, 1914 (15 U.S.C. 12), and amendments and acts supplementary thereto.

The term "equipment" as used herein shall include highway trailers, semi-trailers, or cargo containers of any type and/or related equipment.

The term "intermodal equipment interchange" as used herein shall include the tender, acceptance, possession, exchange, transfer, use, movement and return of equipment between carriers of different classes as defined in the first paragraph of this section.

SEC. 3. Any carrier or group of carriers may enter into an agreement with one or more carriers of another class, or a group of such carriers or groups of carriers, for the interchange of equipment between or among carriers or groups of carriers, and for the establishment of procedures to determine rates of compensation for interchange equipment and controlling rules and regulations, subject to approval as provided herein.

SEC. 4. (a) The Chairman of the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall each appoint one member from their respective agencies to act as a Joint Board to consider and approve or disapprove agreements between carriers entered into pursuant to section 3 hereof. The Chairmen of the respective agencies may designate an alternate member to serve in case of the absence or disability of the original appointee. Two members of the Joint Board shall constitute a quorum and the affirmative vote of two members shall be required to approve or disapprove any agreement entered into pursuant to section 3. The Joint Board shall have a chairman and the chairmanship shall be rotated on a calendar year basis among the three agencies.

(b) Any agreement entered into pursuant to section 3 hereof shall be submitted to the Joint Board created by section 4(a) hereof and the Board shall by order approve such agreement if it finds that application of the relief provided by section 10 of this Act to the entering into and carrying out of such agreement will further the National Transportation Policy as declared in the Interstate Commerce Act. However, the Board shall not under this Act approve an agreement between or among carriers or groups of carriers of different classes unless it finds that such agreement is limited to the accomplishment of intermodal equipment interchange.

SEC. 5. For the purposes of this Act common carriers by railroad are carriers of one class; common carriers by motor vehicle are carriers of one class; common carriers by water are carriers of one class; direct air carriers are carriers of one class; and transportation companies located in a foreign country are carriers of one class.

SEC. 6. Each Conference, Bureau, Committee, or other organization established or continued pursuant to any agreement approved by the Joint Board under the provisions of this Act shall maintain such accounts, records, files, and memorandums and shall submit to the Joint Board such reports, as may be prescribed by the Board, and all such accounts, records, files, and memorandums shall be subject to inspection by the Board or its duly authorized representatives.

SEC. 7. No order shall be entered by the Joint Board under this Act until interested parties have been afforded reasonable opportunity for hearing.

SEC. 8. The Joint Board may, upon complaint or upon its own initiative, investigate to determine whether any agreement approved by it under this Act has continued to be in conformity with the standards set out in section 4 of this Act, and may by order terminate or modify its approval in order to assure compliance with such standards.

SEC. 9. The Joint Board shall not approve an agreement under this Act unless it finds that the agreement preserves to the parties thereto the right to enter into a different agreement with other such carriers.

SEC. 10. No provision of the Interstate Commerce Act, the Federal Aviation Act of 1958, the Shipping Act, 1916, or the Shipping Act, 1933, shall be construed as prohibiting procedures and agreements authorized by this Act, and every such procedure and agreement approved by the Joint Board is excepted from the operation of the antitrust laws.

The letters, presented by Mr. MAGNUSON, are as follows:

EQUIPMENT INTERCHANGE ASSOCIATION,
Washington, D.C., February 7, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The Equipment Interchange Association, an organization representing motor, rail and water carriers, insofar as the interchange of equipment between these modes is concerned, would appreciate very much your assistance in having the attached bill introduced by request in our behalf.

The purpose of the proposed legislation is to permit carriers of different types to enter into agreements with each other to establish uniform bases for the interchange between such carriers of units of transportation equipment, be they highway trailers, containers, or some other freight carrying vehicle.

While carriers of particular modes of transportation, e.g., motor carriers, presently have approved agreements covering the interchange of equipment between themselves, the existing regulatory statutes preclude the making of such agreements between carriers subject to different statutes. In other words, railroads, motor carriers and water carriers subject to the Interstate Commerce Act may presently enter into equipment interchange agreements, subject to the approval of the Interstate Commerce Commission. However, such carriers may not enter into agreements for the interchange of equipment with water carriers subject to the Federal Maritime Acts because any joint action to establish uniform rates of compensation for equipment used in interchange service could be construed as a violation of the antitrust law.

Each of the three regulatory statutes involved contains provisions for the submission of cooperative agreements to the respective agencies and for antitrust exemption of such agreements if approved by those agencies. With the possible exception of the Civil Aeronautics Board, it is clear that the agencies do not presently have authority to grant antitrust exemption to agreements involving carriers not subject to the regulation of the particular agency. The legislation we propose would remove this barrier to voluntary agreements between carriers of different types by authorizing them to enter into equipment interchange agreements subject to the approval of a Joint Board composed of one member each from the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission. As with the present regulatory statutes, approval by the Joint Board would exempt actions taken pursuant to an agreement from the antitrust laws.

Although the legislation we propose suggests the Joint Board approach it is conceivable that some other alternative might be more appropriate. We would be happy to discuss this possibility with you at your convenience.

Very truly yours,

KENNETH R. HAUCK,
Executive Secretary.

AMERICAN TRUCKING ASSOCIATION, INC.,
Washington, D.C., February 20, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: In transportation today, one of the most active topics of discussion is the coordination of the services of the various types of carriers. In this connection, I am familiar with the proposal of the Equipment Interchange Association for legislation which would authorize carriers subject to the various regulatory acts to enter into agreements with each other for the interchange of equipment.

There can be no question but that the benefits of coordination of the services of various types of carriers can only be achieved through interchange of equipment between and among those carriers.

The various transportation regulatory acts presently provide antitrust immunity for approved agreements between carriers subject to those individual acts, but there is no similar immunity for approved agreements between carriers subject to different acts. This hiatus stands as a very real obstacle to effective equipment interchange arrangements between carriers of different types, such as water carriers subject to the Federal Maritime Commission and surface carriers subject to the Interstate Commerce Commission.

It is my understanding that the proposal of the Equipment Interchange Association is designed to fill this gap by authorizing carriers to enter into equipment interchange agreements subject to approved regulatory agreements.

ATA fully supports the objectives of this proposal for, in our judgment, it is a necessary step toward better coordination among the several modes of transportation. And, as a step in that direction, we believe that the proposal is necessarily in the public interest.

Very truly yours,

W. A. BRESNAHAN.

THE CHESAPEAKE & OHIO RAILWAY CO.; THE BALTIMORE & OHIO RAILROAD CO.,
Baltimore, Md., February 15, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

SIR: The Equipment Interchange Association of Washington has drawn our attention to legislation they propose which would enable carriers of different modes to enter into equipment interchange agreements with each other.

We are thoroughly familiar with the problem this proposal would correct and we endorse the EIA recommendations without reservation.

We believe the first step in securing coordination between the various forms of transportation is the ability to freely interchange our equipment. Passage of this legislation would permit the negotiation necessary for removal of obstacles in the path of effective and efficient equipment interchange.

We believe this proposal is definitely in the public interest and passage of this bill will speed up the coordination that all of us believe necessary for solution of today's complicated distribution problems.

Very truly yours,

E. W. WRIGHT,
Vice President.

SOUTHERN PACIFIC CO.,
San Francisco, Calif., February 21, 1968.

Senator WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: It is my understanding that the Equipment Interchange Association is proposing legislation to give anti-trust immunity to approved agreements between carriers subject to different regulatory acts. Such immunity already exists for approved agreements between carriers subject to the same act, and the proposal is but a logical and practical extension of the same reasoning and purpose.

The present lack of flexibility between different modes is an obstacle to the development of modern transportation techniques. Uniformity and coordination are essential and the proposal of the Equipment Interchange Association is a significant step in the right direction. It is in the public interest and Southern Pacific Company fully supports the objectives of the proposal.

Very truly yours,

ALAN C. FURTH.

AMERICAN PRESIDENT LINES, LTD.,
San Francisco, February 2, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MAGNUSON: The legislative proposal of the Equipment Interchange Association has my complete and enthusiastic support and I urge that you give your name to its sponsorship.

The E.I.A. bill reflects the desire of the various transportation modes to work together to achieve a more efficient economical transportation system that each is able to accomplish singly. The bill proposes to permit uniform equipment interchange agreements between carriers of the various modes and to provide anti-trust immunity to those carriers.

American President Lines has a rapidly growing containerization program. The proposed legislation will, in my opinion, be of inestimable value in bringing the economic benefits of containerization to the shipping public. I sincerely hope that you will give this measure your leadership and bring it to enactment as soon as possible.

Very truly yours,

RAYMOND W. ICKES.

MATSON LINES,
San Francisco, February 1, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Matson Navigation Company supports the proposed "Equipment Interchange Act of 1968" for the reasons noted below.

As a pioneer in the development of container service to Hawaii and the Far East, Matson Navigation Company is interested in promoting efficient and economical intermodal movement of containers. Matson believes that there is considerable potential for increased through movement of containers between inland United States points and points in foreign countries. Containers will move by air or land transportation within the United States and within foreign countries and ocean transportation between American ports and foreign ports. Such intermodal movements of containerized cargo will be encouraged and made more flexible if the terms, conditions, and procedures for equipment interchange can be standardized. Standardization necessarily involves agreements among carriers which have some anticompetitive aspects.

Each of the federal regulatory agencies has jurisdiction and statutory authority to approve equipment interchange arrangements among carriers subject to its jurisdiction, but none has authority to approve and to grant antitrust immunity for arrangements among carriers by different modes who are regulated by different agencies. The proposed bill would fill this gap. It is significant that the joint board to be created would have authority only for approval of the equipment interchange agreements and would have no jurisdiction over rates. We believe the bill would be in the public interest and would serve to promote the foreign and interstate commerce of the United States.

Yours very truly,

CECIL J. RIVER.

S. 3135—INTRODUCTION OF BILL TO EXTEND THE AUTHORIZATION OF APPROPRIATIONS FOR THE CORPORATION FOR PUBLIC BROADCASTING

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting. I ask unanimous consent to have printed in the RECORD a letter from the Acting Secretary of Health, Education, and Welfare, requesting the proposed legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 3135) to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. MAGNUSON, is as follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 11, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting."

In view of the delay in the inititation of the Corporation's activities, it is unlikely that it would need or be able to use any appropriated funds this year. We anticipate, however, that it will begin to need and be able to use such funds in fiscal year 1969.

The enclosed draft bill would take cognizance of this situation by substituting for the present authorization of $9,000,000 for fiscal year 1968 an authorization of a like amount of appropriations for fiscal year 1969. As the President indicated in his message on education, we will be working with the Secretary of the Treasury, the Director of the Bureau of the Budget and the Board of Directors of the Corporation for Public Broadcasting, as well as appropriate Congressional Committees, to formulate a long-range financing plan.

We should appreciate it if you would refer the enclosed draft bill to the appropriate committee for consideration.

We are advised by the Bureau of the Budget that enactment of this bill would be in accord with the program of the President.

Sincerely,

WILBUR J. COHEN,
Acting Secretary.

S. 3137—INTRODUCTION OF LAMB IMPORT QUOTA LEGISLATION

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill to impose quotas on the importation of lamb meat.

Last year, Senator HRUSKA assumed the leadership in the Senate by authoring a bill to revise the quota control system on the importation of certain meat and meat products. That bill, of which I am a cosponsor, does not deal with the importation of lamb meat.

I believe that it is dangerous to strengthen only parts of our importation law, leaving areas such as lamb meat unaffected. I am, therefore, offering this legislation at this time.

Essentially, this bill will limit the importation of lamb meat to an amount which is not greater than the yearly average which has been imported during the 5 calendar years previous to enactment of this bill. In addition, the bill provides that any purchases abroad of foreign lamb meat by the Department of Defense will be charged against the applicable quota.

In 1967, it was announced that the Defense Department had negotiated the procurement of 10 million pounds of lamb from New Zealand and Australia for use in Vietnam. Ten million pounds is a very large quantity in terms of the lamb industry. Vigorous protests against such activities were lodged with the Department of Defense by myself and other Senators. Since that time, the Department has assured us that the purchase was a unique one which would occur on a one-time-only basis.

Nevertheless, it would seem advisable to insure that any such future foreign purchases are brought under the quota-control system.

I need not give a recitation of the desperate economic plight which today faces most of our farmers and livestock producers. But I would point out to the Senate that lamb imports last year were higher than in any recent year except 1963. On the other side of the coin, the estimated average price per 100 pounds which the lamb producer receives today is 40 cents less than what he received in 1948.

Despite the fact that production costs have soared in the last 20 years, the livestock producers receive no more for their products and for their labor and investments than they did in 1948.

The time of crisis for our livestock producers is currently at hand. The Congress must recognize the plight of the industry, or be prepared to see many of our producers go out of business in the near future.

In our Western States, several millions of acres of land are publicly owned. These lands are inadequately watered and usually covered with types of forage that is attractive only to sheep or cattle. If the sheep industry disappears from our Western scene, the public interest will suffer greatly.

Not only will these uninhabited lands be unused, but the vital tax base which supports our rural school districts and other units of government will disappear.

I urge that the Senate give consideration to this matter during the next session of Congress.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 3137) to impose quotas on the importation of lamb meat, introduced by Mr. HANSEN, was received, read twice by its title, and referred to the Committee on Finance.

CHANGE OF REFERENCE

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from the consideration of S. 3053, for the relief of Sfc. Jack Owens, U.S. Army, and of the bill S. 2025, for the relief of Louis Winokur, and that these bills be rereferred to the Committee on the Judiciary, since they are in the nature of private relief measures.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. KENNEDY] I ask unanimous consent that, at its next printing, the names of the senior Senator from Maryland [Mr. BREWSTER] and the junior Senator from Rhode Island [Mr. PELL] be added as cosponsors of the bill (S. 3052) to amend the Military Selective Service Act of 1967 to provide a fair and random system of selecting persons for induction into military service, to provide for the equal application of deferment policies, to authorize an investigation of the feasibility of establishing a volunteer army, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President I also ask on behalf of the senior Senator from Massachusetts [Mr. KENNEDY] that, at its next printing, the name of the junior Senator from Indiana [Mr. BAYH] be added as cosponsor of the bill (S. 3045) to revise and extend section 317(a) of the Public Health Service Act to assure the continuation of various immunization programs authorized thereunder, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent on behalf of the senior Senator from Massachusetts [Mr. KENNEDY] that, at its next printing, the names of the junior Senator from Rhode Island [Mr. PELL] and the junior Senator from Wisconsin [Mr. NELSON] be added as cosponsors of the bill (S. 2889) to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational, and other natural resources.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, although the distinguished Senator from Pennsylvania [Mr. CLARK] is on the floor and could make the request for himself, he requested me to do so last week; however, I did not receive the request until Saturday, so I make it now.

On behalf of the senior Senator from Pennsylvania [Mr. CLARK] I ask unanimous consent that, at its next printing, the name of the junior Senator from Connecticut [Mr. RIBICOFF] be added as a cosponsor of the resolution (S. Con. Res. 47), known as the United Nations peacekeeping resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ELIMINATION OF RESERVE REQUIREMENTS FOR FEDERAL RESERVE NOTES—AMENDMENTS

AMENDMENT NO. 606

Mr. CURTIS submitted amendments, intended to be proposed by him, to the bill (S. 2857) to eliminate the reserve requirements for Federal Reserve notes and for U.S. notes and Treasury notes of 1890, which were ordered to lie on the table and to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 11, 1968, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 889. An act to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California; and

S.J. Res. 123. Joint resolution to approve long-term contracts for delivery of water from Navajo Reservoir in the State of New Mexico, and for other purposes.

NOTICE OF HEARINGS ON S. 356

Mr. PROXMIRE. Mr. President, on Monday, March 25, the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 356, a bill to permit the establishment and operation of certain branch offices of the Michigan National Bank, Lansing, Mich. The hearings will begin in room 5302, New Senate Office Building at 10 a.m. Persons wishing to testify should contact Mr. Kenneth McLean, Committee on Banking and Currency, room 5306, New Senate Office Building.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered.

VIETNAM

Mr. RIBICOFF. Mr. President, the reports we receive from Vietnam have increased our Nation's grave concern.

Our attention is fixed on Khe Sanh, where week after week our troops are enduring the incredible trial of artillery and fire, as they await what may be the toughest battle of the war.

Recently, we followed the course of the Tet offensive—the fighting that spread through the towns and cities of Vietnam. Now we watch to see how well the life of a torn country can be put back together again.

The figures used to calculate the number of dead and wounded, and the property destroyed, in no way measure the human misery and sorrow that remain. The pacification program has come to a standstill. More than 500,000 refugees, added to an uncertain but very large number, must now be cared for.

Against the background of these events, it appears that there are strong pressures for increasing U.S. troop strength in Vietnam. No one seems to be sure how many are involved—perhaps 50,000, perhaps 200,000, perhaps even more.

The substance of the rumors is familiar; for a heightened military commitment in Vietnam has repeatedly been the U.S. response to setbacks in the past.

The dates and details are history—history well known and widely reviewed. But the debate continues and intensifies.

The time has come for us to leave history to the historians. By now the lessons of the past should be firmly enough in mind. Now we should put them to good use while concentrating wholly on the problems of today. The most basic—the highest priority—matter before us is the possibility of a greater military commitment in Vietnam.

If the executive branch is considering a step that will mean greater military involvement in Vietnam, this matter should first be brought before the appropriate committees of the Senate. Both the Committee on Armed Services and the Committee on Foreign Relations should have sufficient time and be provided with ample information for a thorough review of any substantial change in policy.

In March 1964, in an article about the legislative branch of the Government, I wrote:

> Congress need not and should not be content simply to react to Presidential requests. Congress should make its own independent assessments of the nation's problems and come up with its own answers.

Times have not changed my belief; for too often, and for a variety of reasons, this is not what happens.

Yet, for the strength and welfare of the country, we know that it must happen, especially when a major policy such as that in Vietnam is concerned.

This body and the people we represent are deeply concerned.

There are those who disapprove of the very fact of a military commitment in a distant land when our resources are badly needed at home.

Many question the sense, indeed, the morality, of destroying villages, towns and whole sections of cities and they question the argument that this is the way to "save" a nation.

Still others want an intensification of the bombing of North Vietnam and a widening of the war.

Certainly, everyone condemns the graft, corruption, and diversion of U.S.-financed commodities in Vietnam, just as each of us resents the fact that only this month are 19-year-olds for the first time being drafted into South Vietnam's military forces. The drafting of 18-year-olds is scheduled to begin on May 1. Although our own young men of this age have long served in Vietnam, it has taken years of prompting and prodding by the United States to bring about this change in the draft policy of South Vietnam.

Sometimes we cannot help but question the depth of the South Vietnamese people's commitment to their own cause. For we know that the war is their war, that the United States can offer only so much help, and in the long run, the South Vietnamese must win the fight in social, political, and economic terms.

All of us are aware that no one wants peace more urgently than the President. We applaud his efforts. We hope that he will pursue every approach to peace with any—even the remotest—possibility of success.

Our goal is negotiations and an honorable settlement.

Let us move with imagination and persistence along many paths at once.

Last November, the Senate unanimously passed a resolution urging the President to press hard to bring Vietnam before the Security Council. I hope that he will renew and redouble his efforts in this cause.

Let us try restricting the bombing of the North to those targets that will protect the lives and safety of our troops. The bombing of civilian centers and the area just south of the China border contributes neither to the protection of our men nor to the security in South Vietnam.

Negotiations imply compromise on both sides. We have assurances from Secretary General U Thant and others that a halt in the bombing will bring negotiations. We should test these assurances in concrete terms.

I think the distinguished majority leader, Senator MANSFIELD, showed his usual wisdom when last Thursday, on the floor of the Senate, he suggested:

> Let us play down a military solution to the war and play up the possibility of an honorable, negotiated settlement. Let us give

the most serious consideration to U Thant's proposal, and let North Vietnam give the most serious consideration to our fourteen proposals. And let us give the most serious consideration to their four points. Let us jell the two together, and let us sit down and discuss these conditions and points of view. Let us put U Thant, as Secretary General of the United Nations, in the role of chief negotiator, as the honest broker. Surely such a procedure, or one along similar lines, would be far more preferable to more men, more ships, more taxes, more regulations, more war.

Also, I would again call attention to my proposal of February 1966. At that time I urged the President to name a date and a place and invite all interested parties to participate in a preliminary conference on the war in Vietnam. This proposal remains as valid today as it was then.

So far, our search for peace has not borne success.

This does not mean that we should give the search less emphasis. The stakes have never been higher. We must strengthen, continue, and expand our search.

We must be on our guard to keep pessimism from ruling our judgment. It will be a tragedy for our Nation and the world if our military policy stays the promise of a possible approach to negotiations, settlement, and an end to this tragic war.

MEDICAL EXPERIMENTATION ON HUMAN BEINGS

Mr. JAVITS. Mr. President, at my request, the Legislative Reference Service of the Library of Congress prepared a study on medical experimentation on human beings. With my permission, this material served as the basis for the Michigan Society of Pathologists Carl V. Weller lecture on "Volunteer Participation in Clinical Investigation," delivered by Dr. Frank W. Hartman, medical research adviser, Office of the Surgeon General, U.S. Air Force, and Dr. Freeman H. Quimby, specialist in science and technology, Science Policy Research Division of the Library of Congress.

With the expansion of scientific research to the point where more than $2 billion of medical research alone is conducted annually in this Nation, it is most important that every possible care be exercised to protect the rights of the individual who, as a subject, might be involved.

I ask unanimous consent that the lecture, which contains the essentials of the Library of Congress study, to which I have referred, be printed at this point in the RECORD.

There being no objection, the lecture was ordered to be printed in the RECORD, as follows:

VOLUNTEER PARTICIPATION IN CLINICAL INVESTIGATION

(By Frank W. Hartman, M.D., Medical Research Advisor, Office of the Surgeon General, U.S. Air Force, and Freeman H. Quimby, Ph. D., specialist in science and technology, Science Policy Research Division, Library of Congress, presented December 9, 1967. Based in part upon a report prepared by the Library of Congress for Senator JACOB JAVITS, of New York)

INTRODUCTION

I attended the Chicago Meeting of the "National Society for Medical Research" in 1956. At that time the clergy were vehemently and one hundred percent opposed to all research involving human subjects. The physicians and investigators were as outspoken in favoring and defending the same, as essential to progress in medicine, while the lawyers appeared tolerant but obviously divided between support and opposition. In other words, there appeared to be a majority supporting investigations in man, but a hard-core minority unalterably opposed.

This opposition of the clergy was based on the proposition that no human being has the right to permit or take part in any experiment that risks life and/or health any more than he has the right to take his own life. Many other arguments from the clergy as well as other groups have appeared since that time.

Although much of the issue has revolved around drugs and biologicals, discussions are now frequent on the moral aspects of serious biomedical problems involving moral questions as mentioned by Dr. Leake, (1–10): 1. Contraception, 2. Miscegenation, 3. Abortion, 4. Euthanasia, 5. Organ transplantation, 6. Hemodialysis, 7. Genetic control, 8. Artificial insemination, 9. Use of pesticides, 10. Development of new chemicals.

In the effort to seek ways of resolving ethical confusion on this matter, we are discovering two things:

1. The conflicting values of society are at this time largely irreconcilable—that is society is not ready to place a high priority on long-term health policies.

2. There are no comfortable absolutes on which to rely in the solution of this group of moral dilemmas.

The general moral problem involves the very fundamental question of what are we living for? The disciplines of psychology and sociology are deeply involved in ethical considerations.

In 1856 Claude Bernard stated, "Christian morals forbid only one thing—doing ill to one's neighbor. Of the many experiments that may be tried on man those that can only do harm are forbidden. Those that are harmless are permissible, and those that do good are obligatory."

The safeguards suggested by Bernard were generally accepted and practiced for many years. However, the ethics outlined were completely disregarded by the atrocities of Nazi Germany in the name of clinical investigation. While human experiments conducted under the declaration of Claude Bernard were on subjects who had given consent, those experiments in Nazi Germany were on unwilling subjects with utter disregard of Bernard's criteria.

Due to the fact that clinical investigation had become common practice in certain parts of Europe by the time of the Nazi atrocities, it became evident that definite rules and regulations well beyond those of Claude Bernard must be formulated.

In response to this demand the Nuremberg Military Tribunals not only tried and sentenced the Nazi instigators of the unethical investigations but also developed the Nuremberg Rules. The first Nuremberg Rule stated: "The voluntary consent of the human subject is absolutely essential." Nuremberg Rule No. 2 states, "The experiment should be such as to yield fruitful results for the good of society unprocurable by other methods of study and not random or unnecessary experiments in nature." Nuremberg Rule No. 3: "The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problems under study that the anticipated results will justify the performance of the experiment."

These Nuremberg Rules and declarations have been largely adopted by appropriate research groups throughout Europe and the United States and have been repeatedly challenged by individuals and organizations in recent years.

These challenges and continuing concern and criticisms over the actual practice of clinical investigation in recent years have stimulated various new considerations.

The first and greatest stimulus for consideration and criticism in undoubtedly due, principally, to the tremendous increase in medical research with the liberal support of the Federal government and foundations. In 1940 the total expenditures from all sources for medical research in the United States were calculated at $87 million.

Only 27 years later expenditures for medical research in the United States had increased 20 times, amounting to $2 billion in 1967. The great expansion of money available for clinical research during this time resulted in the building and manning of clinical research centers throughout the United States, with the greatest concentration in the Midwest and East. This increase in clinical research centers naturally resulted in the greater demand for more patients and more volunteers with whom clinical investigation could be increased and intensified.

A relatively new factor in the demand for human subjects in clinical trials was the large increase in volume of the new drugs and biologics, coupled with the restrictive regulations of the government, particularly the Food and Drug Administration. Although some of this testing could be done in animals, the results could not be translated into the results obtained in clinical trials on human subjects and were not acceptable to the Food and Drug Administration. A second development which increased the demands for clinical investigation was the growing demand to apply all new information quickly and broadly to the health problems of the nation generally. A further stimulus was the statement of the President in June 1966 at a meeting with the directors of the National Institutes of Health: "I am keenly interested to learn not only what biomedical research buys but what are the payoffs in terms of healthy lives for our citizens. We must make sure that no life-giving discovery is locked up in the laboratory."

In December 1964 the President's Commission on Heart Disease, Cancer and Stroke submitted its report to the President and Mr. Lister Hill, Chairman, testifying before the senate sub-committee, urged a fund instead of $50 million asked by the administration bill, an official outlay of more than $250 million for the first year to be expanded to an accumulated total of $3 billion for the 5-year plan to finance a network of medical complexes. The final result was an additional outlay of $340 million made available to the health services for the period from October 1965 to July 1968.

This gigantic increase in funds for clinical research centers and health research generally stimulated the demand for more experimental treatments on patients and the assurance of full protection for the individual rights and safety of these patients and volunteers participating in related clinical investigations. Beecher notes that "taking into account the sound and increasing emphasis of recent years that experimentation in man must precede the general application of new therapy to patients (plus the great sums of money available), there is reason to fear that these requirements and these resources may be greater than the supply of responsible investigators." All of this heightens the problems under discussion—(volunteer participation).

Medical schools and university hospitals are increasingly dominated by investigators. Every young medical man knows that he will never be promoted to a tenure post, or a professorship in a major medical school, unless he has proved himself as an investigator. If the ready availability of money for conducting research is added to this fact, one can see how great the pressures are on the young physician. "Implementation of the recommendation of the President's Commis-

sion on Heart Disease, Cancer and Stroke means that further astronomical sums of money will become available for research in man."

There is increasing controversy concerning the consent of subjects in human experimentation. Although the publicity on this matter has occurred largely within the last three or four years, neither the problem nor the arguments are new. Without a doubt the beginning was in 1962 with the debate over the Kefauver-Harris Amendment in the Food, Drug and Cosmetic Act. Although there was little argument at that time over the section dealing with consent, there eventually followed difficulties in interpreting this in experimental practice, and presumably some overuse of the judgment exemption clause in the consent provision of the legislation.

The problems and issues regarding human experimentation, widely discussed in 1959, were brought up again. The United States Public Health Service recognized the problems in human experimentation and awarded a $97,000 grant to the Boston University Law-Medicine Research Institute to conduct a study of actual practices in Clinical investigations in the United States regarding legal, moral and ethical issues. Special studies were conducted regarding drug trials, use of children in medical research, the use of prisoners in medical research, and particularly the legal issue of the informed consent of research subjects and patients used for investigation. This 3-year study was conducted by lawyers, physicians and clinical investigators. The detailed findings of this group were published in 1963 under the title "Clinical Investigation in Medicine", edited by Ladimer and Newman. The current policies of the United States Public Health Service appear to incorporate many of the recommendations made by this government-sponsored study.

One of the groups of human experiments most widely publicized, both in the lay press and in the medical publications, was the research project which included the injection of live cancer cells into hospital patients, whose consent was, to say the least, very questionable, and evoked extensive adverse publicity. As a specific example, a press report covering this investigation was published in the fall of 1965 under the title, "How Doctors Used Patients as Guinea Pigs".

At about the same time several articles in the Wall Street Journal credited Dr. Henry Beecher with the remark, "What seem to be breaches of ethical conduct (in failing to get informed consent) are by no means rare, but are almost, one fears, universal." The anticipated controversy at this time is said to have caused one major research institution, the Cleveland Clinic, to substantially reduce its studies involving human subjects because of the present legal and ethical questions before the public. Their Director of Research, Dr. Irving Page, stated, "We don't want to be the test case."

In January 1966 the regents of the University of the State of New York, acting under their responsibilities for licensing of medical men, found two individuals, Doctors Chester Southan and Emanuel Mander, involved in the live cancer cell experiment, guilty of unprofessional conduct, fraud and deceit in the practice of medicine. At about the same time, an editorial in the Journal of the American Medical Association posed the question, "Whoever Gave the Investigator the God-like Right of Choosing Martyrs?" This New York episode was followed by a nation-wide survey of limitations and obstacles for research in the mentally retarded by Dr. Wolfensberger, who reported that "when experiment was mentioned in connection with a handicapped individual, responses were not only strong and vehement but at times absolutely irrational."

Nobel Laureate, Dr. Joshua Lederberg, discussed these issues in the Washington Post, April 23, 1967, as follows:

"Modern scientific medicine rests on controlled observations of human beings. Every person who is healthy and alive and has been improved by medical care is indebted to a previous person who took some risk in an experiment for the benefit of his fellows.

"Clinical experimentation poses some of the most poignant dilemmas of the scientific responsibility to society, but the responsibility is shared by everyone who benefits from modern drugs and advanced surgery. Intemperate articles have lately been leveled against clinical research since we do not yet have workable norms. Nevertheless, for every patient who may have been abused by some insufficiently regulated clinical trial, a thousand patients suffered by being untreated or maltreated with scientifically unsound or less than ideal drugs and procedures.

"In a society dedicated to personal liberties no one should be subjected to arbitrary risks against his will, hence every responsible physician and clinical investigator should support the principle of noting *voluntary consent* for the basis for recruiting subjects into research studies which involve significant new risks.

"The criteria of informed consent is, however, controversial. Its application to situations involving trivial risks may frustrate experimental design for a trivial advantage of personal security. Equally important, informed consent requires an understanding of experimental medical science that goes far beyond the training of most laymen and sometimes of the investigators.

"Will it be necessary for every patient to have the advice of counsel before a physician uses any technique unknown to Hippocrates? Some criticisms of sophisticated medicine could be answered only by such an authority.

"The ethical issue rests in part on the vagueness of the patient's moral responsibility for participating in medical progress in contrast to the legality of his motives and legal rights to protect his body.

"How much information must a person have before he could prudently risk his life? To take an unhappy example, it is plain that astronauts had ventured to take one of the most hazardous of occupations, but did their informed consent reach to the possibility that trial runs on the ground might be more hazardous than space flight?

"Yet far more detailed criteria of informed consent are being proposed for medical research with grave penalties for physicians and institutions who would substitute their own judgments for legally airtight forms.

"Risk is a part of life, but the purpose of medicine is to mitigate hazards. No subjects should be asked to make any sacrifices that could be avoided, and especially so if the essential aims of clinical investigation can still be achieved. The very expression *risk* brings to mind insurance, and there is an important step that we could take to rationalize the particular dissatisfaction of human subjects.

"Beside giving their knowing consent, they should be insured against the potential hazards, the costs of premiums being acceptable as a plausible charge to the research projects. A subject who has possibly suffered damages in an experiment should not have to sue for redress, on a claim of culpable negligence or fraudulent information, no more than should an industrial employee in a potentially hazardous occupation.

"The registration of subjects for appropriate levels of insurance would become a self-enforcing system of control, particularly if the patient were required to endorse the registration. It would then be a cause of action if a patient were enticed into an experiment without being insured at a level appropriate to his risks.

"Accumulated costs of the premiums would discourage the over exposure of patients to risks beyond the significance of the expected results. Above all, the insurance concept would provide a basis of evaluating the rights of the patient-subject for which informed consent might be an ideal but practically unworkable alternative.

"Research risk insurance might be attacked as adding to the costs of research. However, these costs are already paid in the currency of the risk taken by the subject and this is an unfair burden that should be accepted by the whole community."

It appears that the insurance concept suggested by Lederberg is a good method for the volunteer subject and the investigator to protect themselves against financial loss in case of unforeseen misfortunes connected with the experimentation and that results in lawsuits.

Most hospitals, research centers, research laboratories and physicians already carry liability insurance. This insurance could be arranged to cover research volunteers specifically. As a matter of fact, it is probable that this insurance coverage is already extensively employed.

THE EXTENT OF HUMAN EXPERIMENTATION

Since the issue turned on some known and declared instances of violations of medical ethics, an attempt was made last year to obtain an estimate of the overall extent of human experimentation in the United States.

The following approaches were used:

1. A survey of patient categories in NIH supported projects.
2. The number of patients involved in NIH clinical investigations.
3. A number of research and training grants projects involving humans in a clinical and non-clinical context.
4. The number of projects employed in the trials of some familiar drugs and vaccines.
5. The number of drugs tested on human subjects by the pharmacological industry.
6. FDA estimates of the number of persons subject to clinical trials with drugs.
7. The cost of drug development as it related to human experimentation.
8. The estimated number of projects involving human experimentation in the Veterans Administration.
9. The number of professional personnel engaged in medical research in the United States.

The overall message from these items indicates a very large volume of human research subjects.

THE ETHICS OF CLINICAL INVESTIGATION IN BRITAIN

(Extract from British Medical Journal, 1967, Volume 3, pages 429 and 430, dated 12 August 1967)

Supervision of the Ethics of Clinical Investigations in Institutions Report of the Committee Appointed by the Royal College of Physicians of London*

Following the receipt of a letter on 5 September 1966 on this subject from certain Fellows, the Royal College of Physicians appointed a committee to consider how far supervision of clinical investigation was required, and, if it was required, how best it might be effected.

"The design and conduct of clinical investigation should be guided by a code of ethical practice, and the Code of Ethics of the World Medical Association (Declaration of Helsinki) is accepted throughout the civilized world."

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*Members of the Committee: Sir Max Rosenheim (Chairman), Dr. F. Avery Jones, Dr. G. M. Bull, Professor D. V. Hubble, Professor A. C. Dornhorst, Dr. J. D. N. Nabarro, Professor D. R. Laurence, Dr. J. P. P. Stock, Dr. K. Robson, and Dr. P. A. Emerson.

DECLARATION OF HELSINKI

Recommendations for Doctors in Clinical Research

Basic Principles:

"1. Clinical research must conform to the moral and scientific principles that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts.

"2. Clinical research must be conducted only by scientifically qualified persons and under the supervision of a qualified medical man.

"3. Clinical research cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

"4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to foreseeable benefits to the subject or to others."

The Committee accepts this code as defining the ethical situation and considers that all clinical investigators should be familiar with it. However, because of the wide varieties of research, formal codes can provide only general guidance, and their application to specific problems must often remain a matter of opinion.

The Committee considers that it is of great importance that clinical investigation should be free to proceed without unnecessary interference and delay. Imposition of rigid or central bureaucratic controls would be likely to deter doctors from undertaking investigations, and if this were to happen the rate of growth of medical knowledge would inevitably diminish, with resultant delay in advances in medical care.

The Committee is satisfied that in the great majority of cases a very high ethical standard has been maintained in clinical investigations in this country.

The number of doctors involved in clinical investigation at the present time is large and is likely to increase, and the types of investigation are tending to become more complex. The Committee considers that it has now become necessary for a procedure to be available for the ethical guidance of clinical investigators. The provision of such guidance would not only serve to allay understandable anxiety in the public, but would be appreciated by clinical investigators themselves when faced with ethical problems.

The Committee's conclusions and recommendations are as follows:

(1) The planning and conducting of clinical investigations demand skill, experience, and judgment. Difficult ethical problems occasionally arise and even the most experienced workers would often welcome the opinion and advice of their peers.

(2) The competent authority, for example—Board of Governors, Medical School Council, Hospital Management Committee, or equivalent body in non-medical institutions—has a responsibility to ensure that all clinical investigations carried out within its hospital or institution are ethical and conducted with the optimum technical skill and precautions for safety. This responsibility would be discharged if, in *medical institutions* where clinical investigation is carried out, it were ensured that all projects were approved by a group of doctors, including those experienced in clinical investigation. This group should satisfy itself of the ethics of all proposed investigations. In *non-medical institutions* or wherever clinical investigation—that is, any form of experiment on men—is conducted by investigators with qualifications other than medical, the supervisory group should always include at least one medically qualified person with experience in clinical investigation.

(3) The Committee deliberately refrains from formulating precise rules for supervision because the way in which this could best be organized must vary with different institutions. The variety of investigations and the importance of not discouraging the proper acquisition of knowledge that may prove useful in caring for the sick makes it necessary for each project to be considered separately.

(4) Procedures involving interference with normal function in volunteers carried out for purposes of education rather than investigation—for example, the use of drugs in student practical classes—pose special problems because of the student-teacher relationship and should be subject to the same supervision. (M. L. Rosenheim, President)

THE ETHICS OF CLINICAL INVESTIGATION IN THE UNITED STATES

Medical societies in the United States have also accepted the guiding principles of the Helsinki Code.

The following organizations have endorsed the ethical principles approved in the Declaration of Helsinki and approved in 1964 by the World Medical Association concerning human experimentation:

1. American Federation for Clinical Research
2. American Society for Clinical Investigation
3. Central Society for Clinical Research
4. American College of Physicians
5. American College of Surgeons
6. Society of Pediatric Research
7. American Academy of Pediatrics
8. American Medical Association

GENERAL POLICY AT THE TECHNICAL CENTER

Concerning research, patients at the Clinical Center for Medical Research of the United States Public Health Service, Topping has said:

"An over-riding principle governing our clinical studies is that the welfare of individual human beings take precedence over every other consideration. Medical procedures or therapy substantially different from accepted general medical practices are often an essential component of clinical medical research. This offers the only means of acquiring certain information necessary to solve the problems of the diseases and disorders that afflict man."

Not only is participation in research projects purely voluntary, the individual volunteer gives his signed consent to take part in the proposed research project. Each patient and volunteer shall be given an oral explanation, particularly of any hazards, in terms suited to his comprehension, and this information should be given to the patient on a continuing basis. A summary record of this information and its communication to the patient will be kept. Patient consent is required—specific and written—either by the patient or the next of kin.

On July 1, 1966, the Surgeon General of the Public Health notified heads of institutions receiving Public Health Service grants that the above policy applied to all grants and awards. The notification was in the form of a revision of Policy and Procedure Order 129 (PPO #129).

PPO #129 assigned responsibility to the institution receiving the grant and requires the grantees to obtain and keep documentary evidence of informed consent and group reviews in decisions on the use of human subjects. No award or grant of any type involving human subjects (after November 1966) will be accepted for review unless the Public Health Service has approved an institution-wide assurance. This assurance must convey, among other things, that group reviews and decisions of that institution will be carried out in reference to the appropriateness of the methods used to obtain informed consent. Records of group reviews and decisions on the use of human subjects and of informed consent must be developed and kept by the institution, in order that acceptable assurance be recognized and established.

On December 12, 1966, the Surgeon General of Public Health Service in a report on clarification of the procedure on clinical research and investigation involving human subjects, explained the application of PPO #129 to include investigations in the behavioral and social sciences.

This new guidance and direction now goes beyond the institutes and the clinical center at Bethesda to embrace the entire extramural clinical research program of the Public Health Service, including institutions and projects it supports in foreign countries. In the United States this probably includes most of the hospitals affiliated with university medical schools.

The Public Health Service continues to seek guidance on issues which pervade the pursuit of clinical investigation. The Public Health Service has awarded a $100,000 grant to the American Academy of Arts and Sciences in Boston to support an inquiry into the moral and ethical basis for research involving human subjects. This study will involve a series of conference discussions, in which lawyers and sociologists as well as physicians and scientists will participate, based on a prepared analysis of various aspects of the problem.

THE VETERANS' ADMINISTRATION

The Veterans' Administration maintains the largest public hospital system in the world and is very active in clinical investigation. In 1964 the Veterans' Administration abandoned its policy of oral consent for experiments on investigational drugs and required the consent from the patient to be secured by his signature or that of his next of kin.

"Ethical and scientific considerations dictate, however, that these investigations must be undertaken only after mature thought, under rigorously defined and controlled conditions, and under circumstances that will minimize the dangers of predictable or unpredictable hazards. The basic principle on which all such investigations must rest is that human beings have inalienable rights that supersede all other considerations that may be raised in the name either of science or of the general public.

"The responsibility of the physician for the physical and mental well-being of persons in his care and for observance of the ethics of his profession cannot be over-ridden by any element of study or research that is interjected into the relationship between the physician or surgeon and persons in his care."

There are several echelons of review of ethical considerations in clinical programs. These begin with the local Research and Education Committee (established in each Veterans Administration installation where research is carried on). Then it goes on to the Hospital or Center Director, with a further review by the appropriate research coordination at Central Office in Washington, D.C.

THE FOOD AND DRUG ADMINISTRATION

The Food and Drug Administration is responsible for the implementation of the only Federal law there is which specifically requires the subject's consent for participation in an experiment. The provision has to do with new drug experiments and reads as follows:

"Experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings for whom such drugs are being used for investigational purposes, and will obtain the consent of such human beings or their representatives except where they deem it contrary to the best interests of human beings."

It will be noted that the language of the law does not specify that the consent be in writing, however, the Food and Drug Administration in rule-making pursuant to the law

now requires the subject's signature, or, if not, that there be a recorded statement of why not. We understand that the term "informed" has been dropped from the FDA regulations. The statute, in effect since its passage in 1962, was left to speak for itself until the human experimentation controversy of last year.

SUMMARY

It may be concluded that controls specifying the consent of human beings in clinical research have been in effect in one form or another over the past many years, but that these are now increasing in number and in detail. It may also be concluded that all agencies, and especially the Public Health Service, are implementing a series of volunteer steps to protect both the subjects and the performers of investigations in the achievement of health goals of the nation. It is too early to determine whether or not Public Health Service reacted too quickly to the "danger", whether it overacted, or whether the reaction itself does not imply a greater degree of unethical practice than do the actual facts.

Selections From NRC Conference—Use of Human Subjects in Safety Evaluation of Food and Chemicals, November 1967

Dr. KEITH CANNON, Chairman, Defining safe levels for food and drugs and characterizing hazards is deeply rooted in animal experimentation, but the information so obtained is precarious and lacks the power that is gained if controlled *human* studies can confirm the conclusions reached from animal studies."

Our task is to set forth the dictates of the scientific approach, the logic of science, to see how they may be reconciled with the ethical and more standards and with the constraints that are imposed on scientific endeavor by the contemporary mores of our society.

W. J. HAYES, JR. Because man is unique, I would like to emphasize one of the most important and certainly the most neglected questions concerned with tests in man, namely, is it right to release a biologically active chemical for general use without first studying its safety in man under conditions that permit careful scientific *observation?*

EDWARD J. BLOUSTEIN. The tradition of free inquiry involves more restraint than would at first sight appear to be the case. The pursuit of truth is indeed a compelling moral force but it meets and must accommodate itself to other values that have an equal or greater claim to the scientist's allegiance. Chief among these are the preservation of human life and human dignity.

The scientist must be free to study *anything*. In this sense he is at war with his culture. No aspect of it is so sacred, none so loved and cherished as to be beyond illumination of intelligence. But the scientist, although at war with his culture in one sense, is a child of it in another. He must eschew the moral arrogance that would justify in terms of research results, what is an insult to the human spirit in terms of research method. He can and should use human subjects for experimental purposes, but he may do so only if he is sensitive to people's rights to determine what happens to themselves.

"Research involving human subjects is an affront to the dignity and integrity of the human subject or institution if carried on without consent or without the appropriate form of consent. It violates our sense of what human beings are or what certain human institutions are to subject them to certain kinds of study without consent."

Inherent limitations on studies on human subjects

A. C. FRAZIER. 1. The nature of the acceptable risk.

Many biological effects may be effectively studied in animals, including death of the animal. While steps should be taken to limit, insofar as possible, pain or suffering in animal studies, it is obvious that there is an enormously greater scope in the risk that might be acceptable in animal as compared with human studies.

2. Permissible dosage range.

In animal studies the dose range studied commonly includes doses that cause severe toxic effects or even death of the animal. In human studies it is only possible to work in the dose range causing no more than minor reversible effects.

3. Possible experimental situations.

Special experimental situations which assist in the interpretation of the effects of a chemical may be created in laboratory animals. This is rarely possible in human volunteers.

4. Methods of assessment of biological effects.

Detailed study of effects is often much easier in experimental animals; survival is not always essential; postmortem examination can be done immediately after death and this may be more informative than biopsy studies. In human studies, the amount of detailed investigation of effects that are possible may be extremely limited.

5. Numbers available for experiment.

Statistical analysis of results and comparison between differently treated groups is often necessary. This calls for the use of relatively large numbers of animals. With human volunteers, and even sometimes with patients the numbers tend to be small, and adequate statistical analysis may be difficult.

6. Human time scale.

In some investigations it may be helpful to study animals with a shorter life-span and more rapid rate of metabolism, growth, and development than man. In human studies one can only study within the human timescale; some long-term effects may only occur after a period of, say 25 years. Unless earlier changes can be recognized, this may have no predictive value.

7. Effect of ethical considerations and veto.

There are, of course, ethical considerations that arise in animal as well as in human studies. Nevertheless these matters are more difficult and more complex in connection with investigations in man; this effects the choice of subjects and the relationship of the subject to the experimental study. Most people consider that there should be a continuing power of veto by the subject as well as by some supervising authority. This imposes further potential restrictions on this type of investigation.

SAMUEL E. STUMPF, Ph. D., Vanderbilt University, Clinical Research Center. What is the justification for using human beings as subjects for medical experimentation?

Consent, in my judgment, is made or expected to carry far too great a burden. There are after all too many limitations to this element of consent. Consent cannot transform something intrinsically wrong into right. At best the investigator is asking to be trusted in exchange for a promise that he will take every precaution. Consent can be obtained through a species of "duress". Imagine the subtle pressures at work when prisoners or medical students are asked to volunteer. The most serious criticism of the experimental use of human beings is that humans are used as objects or things. The relationship is to be preserved wherein the subject is not merely used as a thing but is treated as a person.

If investigators use none but legally competent adults for medical experimentation and make full disclosure to secure intelligent and informed consent, the problems will largely disappear. Yet even this will not guarantee absolute safety to the investigator, but I assume that scientists who are asking laymen to risk life and limb and health in the interests of science and the advancement of human knowledge are not looking themselves for absolute personal security. It is the use in experiments of such subjects as infant children, incompetents in mental institutions, unconsenting soldiers subject to medical discipline—as has been done—that is indefensible and I suggest that no rational social order should tolerate it.

Perhaps we can develop some scheme patterned after the workman's compensation laws so that any person injured in legitimate medical experimentations will be compensated regardless of fault. This would shift some of the risk and cost to the general public—the ultimate beneficiary of all scientific advances. (Ann. Int. Med.)

The mores of biomedical research

WALSH MCDERMOTT, M.D., F.A.C.F., September 1967. When the needs of society come in head-on conflict with the rights of an individual someone has to play God. In clinical investigation the power to decide the particular case in point is clearly vested in someone else, for example, a duly elected government official.

The end does not justify the means in matters concerning the individual and his society.

Without too deep reflection it seems to me that society's actually having a right here is a relatively new phenomenon that is chiefly derived from the demonstration that knowledge gained by studies in a few humans can show us how to operate programs of great practical benefit to the group.

Society may not have given us a clear blueprint for clinical investigation but it has long given us immense trust to handle moral dilemmas of other sorts, including many in which, in effect, we have to play God. "Somehow somewhere in this question of human experimentation, as in so many other aspects of our society, we will have to learn how to institutionalize, 'playing God' while still maintaining the key elements of a free society."

CONCLUSION

Dr. HADLEY ATKINS, Great Britain. If there are problems—ethical, scientific and even mathematical—associated with controlled trails, it nevertheless remains the case that this technology holds out greater promise for advance in therapy than any yet devised. More important, however, it is that the recognition of the scientific basis upon which such trials are constituted will insure, so far as possible, that the undesirable state of affairs prevailing in medicine during the first half of this century will never be repeated to the extent of producing so many false trials and so many unnecessary and unworthy modes of therapy.

NEW YORK'S METROPOLITAN TRANSIT AUTHORITY

Mr. JAVITS. Mr. President, late last week, Gov. Nelson A. Rockefeller, of New York, made public an epochal transportation plan for the Metropolitan New York area. The plan was prepared and submitted by the newly constituted Metropolitan Transportation Authority, under the chairmanship of Dr. William J. Ronan. The MTA is the successor to the Metropolitan Commuter Transportation Authority, and it has substantially broadened responsibilities and power.

This plan deals with transportation on a regional basis and on a basis of coordination of all means of mass transit. It is truly modern in concept, farsighted, and appropriately broad in scope and represents an enormous step forward in transportation planning.

Enlightened transportation planning is crucial, for an urban transportation system is the steelwork around which a metropolitan area takes shape. The development of a transportation system cannot merely come as an afterthought

to other steps in the process of urban development. Transportation decisions we make today will determine the shape of the urban environment in which we will live and work until the year 2000. I am particularly pleased to note the determination to develop reliever airports for general aviation at convenient locations. This may serve to alleviate the congestion at our major metropolitan airports.

This plan is not perfect, I am sure, nor does it provide us with all the answers to the great problems of urban transportation, but it is a giant and historic move to unify mass transit in at least one metropolitan region. In particular, it seeks to come to grips with the crucial need to provide for the interdependence of city and suburb. It is the suburbs that will absorb the greatest part of an estimated increase of 7 to 15 million in the population of metropolitan New York in the next two decades. At the same time, there will be continued growth in jobs in the Manhattan central business district. As the plan notes:

> To man this huge office complex and to serve it, we must make provision to transport growing numbers of people from the outer reaches of the city and the suburbs. . . . Our ability to get people to their jobs and goods to the marketplace is a fundamental challenge in a rapidly urbanizing society.

The State of New York has been most enterprising in meeting the responsibilities of State government in a modern era. Under Governor Rockefeller's leadership there has been enormous progress in education, health and welfare. New York has combined imaginative planning with the technique of prefinancing to get action in the critical fields of water pollution and transportation. The voters of the State have approved a "pure waters" bond issue of $1 billion and, last November, a transportation bond issue of $2.5 billion. The plan presented to Governor Rockefeller by the Metropolitan Transportation Authority and announced by him represents another creative, innovative step in the renewal and rebuilding of New York's urban areas and in reforming the institutions of government to meet the needs of a changing society.

New York's example will, I hope, be of great use to all other States with metropolitan complexes.

Mr. President, I ask unanimous consent that the article and editorial which appeared in the New York Times with regard to this plan be printed at this point in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

BETTER TRANSPORTATION AHEAD

A brighter day for metropolitan transportation is dawning. The comprehensive plan submitted yesterday to Governor Rockefeller by the Metropolitan Commuter Transportation Authority gives real promise of bringing great improvements to subway riders and to commuters alike within the next ten years.

A Second Avenue subway, extending into the fast-growing northeast Bronx; new subway lines into various parts of Queens, and a Long Island Rail Road connection that will speed travelers in twenty minutes from Kennedy International Airport into a mammoth new Commuter Transportation Center at Third Avenue and East 48th Street are among its features.

The plan, made possible by voter approval last November of the $2.5-billion transportation bond issue, is still tentative. Although Dr. William J. Ronan, chairman of the M.C.T.A. and his staff have had many discussions with the City Planning Commission and county and local planning agencies elsewhere in the area, the program has not yet been submitted to Mayor Lindsay and the Board of Estimate for approval. The Governor and the Legislature must likewise give their consent.

Nevertheless the plan's publication is an epic forward step in the long struggle for unifying mass transportation in this area. Since, in the main, it conforms to the findings of the Tristate Transportation Commission, the official planning agency for the metropolitan district, its basic features are not likely to be fundamentally altered.

The plan recognizes that the Manhattan business and financial district, south of Central Park, is and will continue to be the essential base for the economic well-being of the entire area. The aim is to improve the mass transit facilities that carry more than two million people daily in and out of this area from the outer reaches of the city and the suburbs.

The program will be costly. But, in the light of projections forecasting a growth of seven million people in metropolitan population by 1985, that cost merely mirrors the need.

One unfortunate defect is that the M.C.T.A.—which tomorrow becomes the Metropolitan Transportation Agency—is limited to the boundaries of New York State. Such aspects of the plan as the project to electrify the Erie-Lackawanna Railroad between Suffern and Port Jervis will be pointless unless New Jersey modernizes the section within that state. However, drawbacks of this kind are relatively inconsequential against the fact that at long last New York has a plan—and real hope that it will be translated into action.

TWO-PHASE PROPOSAL: $2.9 BILLION TRANSIT PLAN FOR NEW YORK AREA LINKS SUBWAYS, RAILS, AIRPORTS—PROGRAM BY GOVERNOR CALLS FOR $1.6 BILLION IN FIRST 10 YEARS

(By Richard Witkin)

A sweeping $2.9-billion blueprint for expanding the city's subway system and overhauling other mass-transit in the area was made public yesterday by Governor Rockefeller and his chief transportation adviser, Dr. William J. Ronan.

The plan, drawn up by Metropolitan Commuter Transportation Authority, which Dr. Roman heads, is designed to ease the burdens of rush-hour congestion, speed travel time to work on both subways and commuter trains, and facilitate access to Kennedy International Airport and airports handling private planes.

At a news conference at which the plan was announced, Governor Rockefeller stepped to the podium from a front-row seat and said:

"I think we have been witnessing a historic event."

He explained that it was the first time in the nation's history that there had been a total regional approach to mass transportation in which all modes of travel were pulled together.

FUNDS FROM BOND ISSUE

Of the $1.6-billion needed for the initial 10-year phase, $800-million would come from the $2.5-billion bond issue the voters approved in November, $200-million from the city, and the rest from authority bonds and Federal aid.

Among the major second-phase projects in the program was "a new midtown distribution system along 57th, 48th, 42d, and 33rd Streets."

The details of the midtown distribution system are far from resolved, and various technologies might be used.

Among those suggested in the blueprint were high-speed moving sidewalks, small rail cars or "other guided systems to link terminals, stores, offices, theatres and other CBD (Central Business District) travel points."

Among the major projects of the first phase would be:

A new subway under Second Avenue in Manhattan extending north from 34th Street to the Bronx. This would relieve the enormous congestion on the IRT Lexington Avenue line.

A new Bronx line connecting the Second Avenue project with the existing Dyre Avenue and Upper Pelham Bay lines. Bronx residents, including those who will move into projected housing developments such as Co-Op City, would be able to ride to work down the Second Avenue line or take other trains that would cut west on Sixty-Third Street and continue down the Sixth Avenue BMT tracks or on the Seventh Avenue IRT. There would be no need to change trains.

Extensive new service in Queens. One addition would be a new express subway on the Long Island Railroad's right-of-way to Forest Hills. There would also be new spurs along the Long Island Expressway to the Queens College area and to southeast Queens along the Long Island's Atlantic branch as far as Springfield Boulevard. Riders could reach either East Side or West Side offices without change of trains by heading down Second, Sixth or Seventh Avenue after coming through the new 63d Street tunnel.

A Long Island Rail Road spur to Kennedy International Airport. It would provide 20-minute service from Manhattan with only one intermediate stop, at Jamaica.

Less ambitious extensions in Brooklyn and rehabilitation of the Staten Island railway to accommodate population growth accelerated by opening of the Verrazano-Narrows Bridge.

A Long Island Rail Road connection from the 63d Street tunnel under Third Avenue to a new terminal at about 48th Street. This long-projected scheme would end the old problem of the Long Islander who worked on the East Side but had the inconvenience of getting to the office from Penn Station on the West Side.

Development of a novel Transportation Center covering a full block in the same 48th Street area. It would include not only the main new rail terminal but also an air terminal for high-speed access to Kennedy via the Long Island. Air travelers would check their luggage there and not see it again till they reached Buffalo or Bangkok.

Extension of modernization plans for the Long Island and New Haven commuter lines and a new modernization scheme for the commuter runs of the recently merged Penn-Central Railroad. The Penn-Central runs include the Harlem Division to North White Plains and beyond and the Hudson Division to Croton.

PHASE TWO PROPOSED

The transit blueprint, including a "phase two" extending into the nineteen-eighties, was made public at a news conference at the New York Hilton Hotel by Dr. Ronan.

Governor Rockefeller, asked when the public might expect the proposals to start being translated into visible, usable reality, said:

"I'm confident that, by this summer, all these plans should be worked out and agreed to and the dollars made available for detailed design. And legislation of funds for construction should be voted next year."

The current timetable calls for letting contracts for all the projects in the first phase

within five years and completing the projects within 10 years.

Dr. Ronan stressed that the cost figures had been calculated at current price levels and that any delays would give time for inflation to increase the costs, perhaps "beyond our capacity to meet them."

THIRD PLAN IN 3 DAYS

The transit blueprint was the third major Rockefeller project announced in as many days.

On Monday he outlined a program of compulsory health insurance that will be presented to the Legislature next week. On Tuesday he proposed a "revolutionary" multi-billion-dollar plan to create a special slum-rebuilding corporation with "drastic" powers to override cities' regulations, when necessary.

The programs have long been in the works. And the date for presentation of the transit program was dictated in large measure by the fact that, on Friday, Dr. Ronan's agency takes over "unified policy direction and control" of most metropolitan-area transportation including the subways.

It is now mainly responsible for operation of the state-owned Long Island Rail Road and for working toward modernization of other commuter lines.

HIGHLIGHTS OF PROGRAM FOR IMPROVED TRANSPORT

Here are highlights of the two-phase transportation program recommended to Governor Rockefeller by the Metropolitan Commuter Transportation Agency.

PHASE ONE

To be completed within 10 years. Cost: $1.6-billion. Financing: State Transportation Bond Issue funds, local and public authority contributions, and Federal aid.

Subways

A high-speed express track for the Queens Boulevard subway along the Long Island Railroad main line right-of-way.

Extensions of the Queens Boulevard subway to serve northeastern and southeastern Queens.

A new Second Avenue subway in Manhattan from 34th Street to the Bronx with connections at 63d Street to Queens and the West Side.

A new express line in the Bronx connecting the Second Avenue subway with the Dyre Avenue and Upper Pelham Bay Lines.

A 63d Street crosstown subway.

Extension of the Nostrand Avenue subway to Avenue U.

Extension of the New Lots Avenue line.

Purchase of about 500 high-speed, air-conditioned subway cars and expansion of yard and shop facilities.

Rail lines

Rehabilitation of the Staten Island Rapid Transit Railway from Tottenville to St. George.

Modernization of the Long Island Rail Road and construction of a spur to Kennedy Airport.

Modernization of New Haven and Penn-Central commuter service and the Manhattan portion of the Erie-Lackawanna Railroad.

Subway-Rail

Quick completion of the four-track East River tunnel from 63d Street to Long Island City for expanded transit and Long Island Rail Road service.

Air

Development of general aviation airports at Republic Airport and Zahn's Airport on Long Island, at Spring Valley in Rockland County and in northwest Westchester.

Transportation centers

Air-rail-bus-auto-taxi facilities will be established at Republic Airport; Spring Valley, Pearl River and Orangeburg; and at Tarrytown and the White Plains area.

PHASE TWO

Completion date indefinite. Cost $1.3-billion. Financing: Federal, state and local governments and public authorities.

Subways

Extension of the Second Avenue subway south from 34th Street to serve lower Manhattan.

Extensions of the new northeastern Queens subway and of rapid transit east of Jamaica; and removal of the BMT elevated in the Jamaica business district.

Replacement of the Third Avenue elevated line in the Bronx with a new line adjacent to the Penn-Central right-of-way along Park Avenue.

Extension of the Pelham Bay line and the Concourse subway in the Bronx.

Purchase of 500 more new subway cars and improvement in shops and yards.

Rail lines

Continued modernization and extension of the L.I.R.R., modernization of the Penn-Central.

Extension of L.I.R.R. Brooklyn service to lower Manhattan.

Subway-rail

A new railroad station at 149th Street in the Bronx, with interchange between Penn-Central and New Haven railroads and the subways.

Air

Additional general aviation airports on Long Island and in southwest Duchess County.

Transportation centers

At Hicksville, Pine Aire and Ronkonkoma on Long Island; Brewster in Putnam County; Beacon in Dutchess; New City and Suffern in Rockland; and Goshen in Orange.

Other facilities

A midtown distribution system along 57th, 48th, 42d and 33d Streets, using high-speed conveyors, small rail cars or other guided systems to link terminals, stores, offices, theatres and other travel points.

Administration

The Metropolitan Commuter Transportation Authority was created in 1965 by the State Legislature on the recommendation of Governor Rockefeller. Its purpose is the continuance, development and improvement of commuter transportation and related services in New York City and Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk counties. It consists of a chairman and four members appointed by the Governor with the advice and consent of the Senate.

Approval

Each of the projects must be approved and funded by local governments before authorization by the Legislature. In addition, funds have to be sought from the Federal government.

EXECUTIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COUNCIL

The assistant legislative clerk proceeded to read sundry nominations to the District of Columbia Council.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DISTRICT OF COLUMBIA COURT OF APPEALS

The assistant legislative clerk read the nomination of Austin L. Fickling, of the District of Columbia, to be an associate judge for the District of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

The assistant legislative clerk proceeded to read sundry nominations to the District of Columbia Court of General Sessions.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The assistant legislative clerk read the nomination of Alfred P. Love to be a member of the District of Columbia Redevelopment Land Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Otto Kerner, of Illinois, to be U.S. Circuit Judge for the Seventh Circuit, which was referred to the Committee on the Judiciary.

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Roscoe C. Carroll, of California, Saul Haas, of Washington, Erich Leinsdorf, of Massachusetts, John D. Rockefeller III, of New York, and Frank E. Schooley, of Illinois, to be members of the Board of Directors of the Corporation for Public Broadcasting, for a term of 2 years;

Joseph A. Beirne, of Maryland, Michael A. Gammino, of Rhode Island, Oveta Culp Hobby, of Texas, Joseph D. Hughes, of Pennsylvania, and Carl E. Sanders, of Georgia, to be members of the Board of Directors of the Corporation for Public Broadcasting, for a term of 4 years; and

Frank Pace, Jr., of Connecticut, Robert S. Benjamin, of New York, Jack J. Valenti, of

the District of Columbia, Milton S. Eisenhower, of Maryland, and James R. Killian, Jr., of Massachusetts, to be members of the Board of Directors of the Corporation for Public Broadcasting, for a term of 6 years.

LEGISLATIVE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT WELCOMES C. R. SMITH AS SECRETARY OF COMMERCE

Mr. MAGNUSON. President Johnson, at White House ceremonies last week, welcomed a valuable addition to his Cabinet—C. R. Smith, our new Secretary of Commerce.

Mr. Smith brings an abundance of experience to his new position—experience which will serve him well in the demanding task awaiting him.

He was decorated during World War II as the wartime organizer of air transportation over the Burma Hump. He has led one of America's leading companies, distinguishing himself as a pioneer of flight, a leading industrialist, and a community-minded leader.

In the days ahead he faces enormous challenge. He must help stimulate our economy to greater heights, maintain our unprecedented prosperity, continue the excellent relations between our Government and the business community, and encourage American business to invest in America's future by finding jobs for the jobless.

President Johnson told Secretary Smith:

> If you would move America forward, I think you must first move its private citizens forward—and chief among them is the American businessman.

No one is better qualified to keep the American economy and its people moving ever forward then C. R. Smith.

The Nation is already indebted to him for giving up his position in private industry to serve the public. I am certain that in the days and months ahead, America will have even greater reason to be grateful to C. R. Smith as he distinguishes himself as a great Secretary of Commerce.

I ask unanimous consent to have printed in the RECORD the President's remarks at the swearing-in ceremonies for C. R. Smith.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT AT THE SWEARING-IN CEREMONY FOR C. R. SMITH AS SECRETARY OF COMMERCE, MARCH 6, 1968

Mr. Smith and family, Justice Fortas, Members of the Cabinet, distinguished Members of the Congress, ladies and gentlemen:

This ceremony could well be the opening scene in a replay of one of my favorite Late Show dramas: "Mr. Smith Goes to Washington."

As I recall, the hero of that movie caused quite a stir when he hit the nation's capital.

Now, Mr. Smith, you have come back to Washington. We all recall pleasantly your last starring role—when you were stationed here during World War II. You were decorated then as an organizer of war-time air transport—and for solving the problem of flying The Hump.

The script, C. R., really hasn't changed very much. You will find—as Dean Rusk and I already know—that there are still plenty of humps to get over. Some of them are over here. Since you were here the last time, we have added a few gaps.

We all know, though, that you are well equipped. We hope that American Airlines has let you bring along one of your most valuable assets—that battered old Olivetti typewriter that has long set by your desk, a machine that you hunt and peck out personal directives that you need when you want fast action.

You are going to need that typewriter, C. R. Your new employers—the people of the United States—are going to be asking for action, and some of them want it fast. The businessman, the working man, the family man—all of these are your new Board of Directors. Your new business is the most urgent business of America—Congress will be reminding you of that from time to time—that is, the people's welfare.

You might begin, Mr. Smith, by putting that typewriter to work on a letter to Mr. Henry Ford and your friend, Mr. Paul Austin of Coca Cola Company, and the other 750 leaders and many members of the National Alliance of Businessmen. You can thank them for rolling up their sleeves, leaving their business—as you have left yours—and taking on a leadership responsibility in helping us to tackle one of the toughest problems that America faces—the crisis in our cities, the unemployment in our cities, the hard-core jobless that have been unable to fit into our system.

These men are some of our best American businessmen; they care about tomorrow. They are taking the very unusual step, I think, of investing their skill and their faith to earn the ultimate profit—not something that will show on their balance sheets this year, but will be a rich and full dividend for all American life.

If you would move America forward, I think you must first move its private citizens forward—and chief among them is the American businessman.

Never—except possibly during World War II—have I seen such an effective exercise of business responsibility as I see in the making now. The promise for America is immense.

Mr. Ford, Mr. Austin, and others came across the land to see me last week and told me of their plans—and the fact that various companies are assigning their best people to go out into the ghettos and the cities of America and demonstrate the social consciousness of the leaders of the free enterprise system.

In these last few months, these giant corporations, banks, insurance companies, hundreds of businesses—the economic muscle of America—are indicating that they are going to try to help.

I met with the bankers a few weeks ago; I met with the insurance companies a few weeks ago. I met with the savings and loans institutions from throughout the country this morning. All of them are developing programs to help us try to remake and rebuild these deteriorated areas of our land.

This remaking is going to demand the best of all of us—and the best of business and Government. I think you are going to be the connecting link in that partnership.

It is an historic venture. The American people will be the beneficiaries. So, they are going to look to you C. R.—as a leader who pioneered again in the adventure of flight.

I think most of America—I know the Cabinet, certainly, the leaders in Congress who honor you with their presence here this morning—share the confidence that you are going to lead us forward in the greater adventure of reaching for the dream and finding the destiny of America.

We welcome you. We hope your stay here will be pleasant. Happy landing.

(Justice Fortas administered the oath to C. R. Smith.)

I want to say on behalf of the Cabinet, and such Members of Congress as I may be able to speak for, that we join you, C. R., in your hope and your wish that we, too, can end even, at least.

THE PRESIDENT'S CONSERVATION MESSAGE

Mr. SPONG. Mr. President, along our 90,000 miles of coastline there pass each year tankers carrying a billion barrels of oil. Existing statutes do not adequately protect our beaches should an oil spill occur, and in response to the problem the Senate approved legislation last year to strengthen the existing law.

I was privileged to be among the sponsors of that bill, an omnibus measure which also deals with lake pollution and acid mine drainage. The section dealing with oil pollution would make it unlawful for anyone to discharge oil, regardless of fault, on navigable inland waters and on our territorial waters. Those polluting the water would be responsible for cleaning it up.

The President is to be commended for recommending, in his conservation message on Friday, steps to combat the menace of oil spills. I was pleased to note his endorsement of the major oil provisions of S. 2760, the bill approved by the Senate.

The President's proposal to broaden the scope of this legislation by making oil discharges unlawful if they occur within 12 miles from shore is deserving of study and consideration.

I support the general purposes of the program outlined by the President.

USE THE RICHES OF AMERICA TO PRESERVE ITS NATURAL BEAUTY

Mr. MOSS. Mr. President, in his conservation message Friday, President Johnson once again has issued a strong appeal for protecting our Nation's remaining natural splendors.

Many legislative conflicts must be resolved in the coming weeks and months over the best ways and means to accomplish this broad objective—with which I am sure we all are in accord.

For now, I would like to take one brief moment to underscore the importance of the land and water conservation fund in realizing this mutual dream to assure a beautiful America for all time.

We can authorize new national parks and wilderness areas. We can vote to

preserve our wild and scenic rivers, and we can authorize a network of national trails. We can put all this, and even more, on the record of our intent.

But, in the long run, these will be empty gestures unless we provide the funds to make the intent a reality.

In the past 3 years the land and water conservation fund has proved its efficacy as a means to provide moneys to meet both Federal and State outdoor recreation needs. We all are aware of the increasing demands being made upon the fund, and the inadequacy of its revenues to meet critical current, much less future, needs.

As the President pointed out, we must expand the land and water conservation fund before it is too late.

The way has been opened with a bill sponsored by Chairman JACKSON—S. 1401—and a bill—H.R. 531—which I cosponsored with the senior Senator from California [Mr. KUCHEL], which would add significant revenues to the fund each year for the next 5 years from Outer Continental Shelf receipts.

It seems appropriate that some of our still unmined riches from under the sea should be used to preserve our threatened natural heritage. I therefore urge each Member of the Senate to support S. 1401.

PARTNERSHIP WITH THE INDIANS

Mr. HANSEN. Mr. President, last week I spoke out about our policies toward the American Indian. A healthy reappraisal, a search for facts and new ideas, is now underway at all levels.

In this spirit, Mr. Joseph G. Colmen, Deputy Assistant Secretary of Health, Education, and Welfare, addressed the Governors' Interstate Indian Council at Reno, Nev., last October. In his thoughtful address, Mr. Colmen made two points in particular which I wish to call to my colleagues' attention:

First, he called for partnership between the Indians and all levels of government. This means that Indians must take part in decisionmaking, not simply advise Federal decisionmakers. Indians must even be allowed to make their own mistakes. But they must assume responsibility, with cooperation—but not patronage—from Federal officials.

Second, Mr. Colmen pointed up the very real place which our States have in dealing with the problems of their Indian citizens. This is nowhere truer than in the field of public education. Various Federal agencies, the States, and the Indians must all work together in this vital area. And we may well be called upon to provide new legislative tools.

I ask unanimous consent that Mr. Colmen's incisive remarks, published in the Indian Record of February 1968, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EDUCATION LEADER CALLS FOR PARTNERSHIP TO MEET GOAL OF INDIAN PROGRESS

(EDITOR'S NOTE.—The following is a condensation of a speech made by Joseph G. Colmen, Deputy Assistant Secretary for Education—Department of Health, Education, and Welfare, at the Governors' Interstate Indian Council meeting at Reno, Nev. October 18, 1967.)

Today in 1967, for the Indians, the time never looked better. First, the country has been awakened to the fact that segments of our society have been passed by in the race for affluence. Brought forcefully to the forefront by the militant Negro civil rights movement, persons in decision-making positions are becoming concerned about all forgotten groups, including Mexican Americans and Indians. They want to do something now.

Second, President Johnson has directed the Federal departments and agencies to point their resources to a far greater degree than they have in the past to helping to improve the quality of life for American Indians. The Bureau of Indian Affairs, historically preoccupied with natural resources and land, is turning much greater emphasis to a "people-oriented" mission. Secretary Udall is committed to the goal of equalizing opportunity and choice for the Indian people. In Commissioner Bennett, there is a leader who, Indian himself, is devoted with understanding and compassion to seeing his people enjoy the fruits of our great country.

Our mammoth Federal establishment is, everywhere being plumbed to find mechanisms and programs by which its vast services and resources can be delivered to Indian people.

All of these things augur well for the Indians. The time does seem ripe. But I would like to address myself to what I think can continue to be a restraining influence on progress. It is something that can be changed, if there is will to do so, and it is something that can be changed without much money. I refer to what is to me, after a year of immersion in Indian matters, a sorry lack of communications between Indians and the rest of us.

By lack of communication, I don't mean a lack of talk. In some ways, there is an overabundance of talk. Indians talk to us; we talk to Indians. I fear, though, that in all the talking that goes on, very little listening really happens. And when we do try, really try, to listen to each other, our ears are open, but our minds are closed. The message somehow gets garbled in the transmission. It gets mixed with haunting fears, attitudes of distrust, prejudice (on both sides), and just plain untruths and half truths.

Let me give you a few examples.

We persist in educating Indian children to learn the white man's ways, to the exclusion of his own rich heritage, in spite of the Indians' repeated pleas to provide the bicultural education that will give the child a sense of cultural pride, as well as the know-how he will need to "make it" in the other society, if he opts for that alternative.

We persist in making decisions on a wide range of policy matters that intimately affect the Indian people without their true, full participation, in spite of the Indians' natural, expected resentment of that process, frequently articulated by them. We do too much for, not enough with, the Indians.

On the other hand, attempts to be of help, sincere or not, are reacted to by Indians with distrust and suspicion often without serious study, closing of communication, even to the extent that the real, existing Indian needs become secondary issues.

When asked to develop long range goals, the state of affairs that Indians want for themselves 5, 10 or 20 years hence, Indians respond with the old fear that their unique relationship with the Federal Government will be abrogated: better leave things pretty much as they are.

Once and for all, I think we need to get the termination issue out in the open. Let us declare that the Federal Government supports the views of the Governors Interstate Indian Council on this matter. Then let's get to work on the real problems.

I submit that in a continued atmosphere of barricades, with real or fancied rationales, though there may be genuine desire to improve conditions on both sides, little of real value will occur. First there must be trust and confidence, and with it two-way participating communication between equals in a partnership for action. To accomplish this, the Federal Government must sincerely provide mechanisms not just for Indian involvement or even Indian participation in decision making, but for Indian decision making itself. The Federal Government must be willing to let Indians make their own mistakes, if they do, and yet continue to back them up without punitive reaction. Such support will have to come from both the legislative and the executive branches, and I think they are ready for it. But Indians have to pitch in when the opportunity is given, not sit back, not complain, but work. The power to be constructive can bring far greater rewards than the power exercised so often today; the power of stopping action by being negative. When we in HEW open this kind of dialogue, I hope you will respond to the challenge in the way I have described.

Mention of the word "partnership" brings me to a second point: that the Federal Government working alone with Indians, cannot bring the full promise we all hope to realize. Like it or not, this country of ours is not just a Federal Government, but a federation of States. This may sound strange coming from a "Fed", but many of the problems of our failure as a Nation to deal with today's problems arise from long years of States' unwillingness to bend, to tackle new problems, to represent the needs of all their citizens, from default of responsibility. This has shown itself clearly in the matter of education of all disadvantaged groups.

In same ways, the State relationship to the Federal Government has for a long time mirrored the Indian relationship to the Federal Government. "Let big daddy solve the problem." But as in the case of Indians who now must join in to do the job, so must the States and localities enter the partnership. So incidentally must all the great institutions of our country: business, labor, non-profit organizations. In the case of Indians, it is easy for States to say that Indians do not pay taxes, they are the Federal Government's wards. In fact, Indians are citizens with the right to vote, and their welfare affects all of us.

Furthermore, let us remember well that there are almost as many Indians residing off of reservations as are residing on them. What answer can the States give for the characteristically poor conditions under which these Indians live in our cities and rural areas? Somehow services intended by States and the Federal Government for Indians off reservations don't seem to get to them. There is no intent on my part to point fingers of blame. We all share in it. I've found that unless there are people with a spark and a sense of commitment to a particular task, a part of our population can easily be overlooked in the onrush directed at the larger group, or in some cases the noisy group.

I believe that this country is moving toward a position which will make it possible for Indians to share more fully in the benefits of a technologically based society, while still maintaining their cultural identity as Indians. But we must move faster. Our affluence places realistic means at our disposal, enabling us to think of human resources in terms of human potential. The goal of human resource development should be to achieve nothing less than what Thomas Wolfe called the "hope and promise of America," that every man should become whatever he has in his manhood to let him become. Together—Federal Government, States, Indians—we must attack the complexities of the problems which Indians face, wherever Indians live—in rural areas, on reservations, in

urban centers. We must mobilize all the resources at our command to free Indian people to develop their best, to expand their choices, to release their utmost potential for growth.

The question remains: how can we encourage the kind of partnership which will enable Indians to participate with the support of the non-Indian community in the complex development process.

The road will not be easy. The dangers are many. But the promise is great. Let us together, Federal and State Governments, tribes, the private sector and the Indian people deduct ourselves nothing less than the goal of full opportunity for all Indians, wherever they choose to find it.

I PLEDGE ALLEGIANCE

Mr. BYRD of West Virginia. Mr. President, recently I was privileged to speak before the Women's Forum on National Security, which met in Washington, D.C.

I ask unanimous consent that the text of my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY HON. ROBERT C. BYRD, TO THE WOMEN'S FORUM ON NATIONAL SECURITY ON FEBRUARY 20, 1968

Delegates to the Women's Forum on National Security:

Let me say that you have paid me a special honor by inviting me to participate in your program, and I appreciate it.

I am especially glad to have this opportunity to address you on the subject that you have chosen for examination at this forum—the lawlessness that day by day grows worse in our country. There is no domestic problem of greater consequence, or one more fraught with peril for the future of our Nation.

I first wish to make reference to the proposed Desecration of the Flag Law that is now before the Congress. This legislation would make it a federal offense to burn the American flag or desecrate it, and would establish penalties for anyone who does so. It has been passed by the House of Representatives, and I hope that before many more weeks have passed, the measure will have been finally approved by the Senate.

As I am sure you know, there are those who oppose this bill, contending that such a federal law is not needed. These opponents say that all states already have laws dealing with desecration of the flag, and some of the opponents further contend that the right of dissent, about which we hear so much these days, is somehow involved—that the destruction of the flag might somehow be construed as "symbolic free speech," and that the suppression thereof might violate the First Amendment.

I, of course, do not agree. The state laws prescribing mutilation, disrespect and destruction of the flag have simply not been effective deterrents to those who would dishonor our national emblem, and as for violating the free speech guarantee, I find that to be a very specious argument in view of the numerous channels open to all American citizens for expressing honest, honorable, and legitimate dissent.

The many incidents of flag desecration that have occurred in the last few years have aroused our citizenry, and have clearly demonstrated, in my opinion, the need for such a law.

Now, I was impressed when I read that the theme of this annual meeting is "I Pledge Allegiance."

Allegiance is a meaningful word. It evokes the thoughts we associate with devotion, faithfulness, fealty, loyalty, obedience, homage. These words, and the ideas and images they bring to our minds, stir some of our deepest emotions.

Allegiance to one's government is the obligation of fidelity and obedience that an individual owes to his government in return for the protection he receives from that government. Allegiance is—or it should be—a two-way street where citizen and government are concerned.

But there appear to be some people in this country who expect the government to protect them, who demand that the government provide all manner of services for them, but who seem to recognize no obligation on their part to do anything for their government in return.

They want to get, but they do not want to give. It is what their country can do for them, not what they can do for their country. And the greatest irony of all is that some, instead of giving allegiance to their government, take advantage of its protection and its guarantees of free speech to turn on it and attack it.

The flag desecrators fall in this category, and there are few more despicable characters, in my judgment.

Even those of us who are not flag desecrators fail, all too often, to honor and revere the flag as much as we should.

Fourth of July celebrations and public displays of patriotism seem to be going out of style. Many people apparently think those things are old-fashionied. Americans should be too grown up, too sophisticated, too internationally-oriented to wave the flag, they seem to be saying.

I believe that when the citizens of any Nation get to the point where they think they are too sophisticated to be patriotic, then they are in danger of losing their liberty.

Tolerating flag desecrators and flag burners is not a sign of sophistication or national maturity, in my judgment, but a sign of national deterioration.

It saddens me to say it, but I believe that the people of America have become hypertolerant and too permissive, not only in the matter of displaying pride in our flag and pride in our nation, but in many other areas of our national life as well.

In recent years we have witnessed a serious deterioration in moral standards. The whole structure of our national life has been weakened by the breakdown in family life brought about, in part, by increasing urbanization. The soaring rate of welfare dependency, juvenile involvement in crime, and illegitimacy, is evidence that something very basic has gone wrong.

In any examination of the wave of lawlessness that grips our country—and desecration of the flag is only one of its many ugly manifestations—it quickly becomes apparent that there are a number of root causes. I think it can be profitable for us to consider them for a moment.

Basically, the root causes of crime are bound up in the turbulent era of change in which we live. I have already mentioned the deterioration in family life that has arisen, in large measure, from the increasing mobility of our population and its shift from a rural-based to a city-based existence.

The distractions, the pressures of present-day living, the demands on the time of most people are so great that the warmly-intimate family circle, in which the precepts and character of the Nation were nurtured and moulded, has all but disappeared.

Similarly, the once-dominant role played by religion has declined in the lives of all too many of America's citizens. Two factors have added their weight to the growing number of secular interests and diversions that serve to keep people away from the stabilizing influence of the church.

The first of these, as I see it, is the infortunate activist role that some clergymen have chosen to take in non-religious matters. Where they have chosen to march and demonstrate, to carry placards and to picket, to speak from a soap box instead of a pulpit, they have weakened their spiritual leadership, in my opinion. These men constitute but a minority of the clergy, I am sure, yet they are hurting the church. Instead of ministering to the spiritual needs of people, they have become mere exhibitionists and lobbyists. As a result, many people are wondering who speaks for the church. Many people are becoming disenchanted with the church because it is fast developing into a mere social club whose leaders vie for headlines and television cameras.

The second factor is the end result of the U.S. Supreme Court's decisions concerning prayers in the public schools. However constitutionally sound the court's position may be, the unfortunate result of its decisions is to make it appear that the Court, and by extension the government, is opposed to religion.

Another major cause of the growing disrespect for law and order and America's increasing crime, I believe, is to be found in the courts themselves, and especially the Supreme Court. The high court's share of the responsibility for our increasing lawlessness lies in two areas—its zeal for bringing about precipitate social change, and its overconcern for the rights of criminals and its under-concern for the rights and safety of society.

That, coupled with the laxness of lower courts and the widespread abuse of probation and parole, has created a situation in which the criminal finds it possible, even easy and profitable, to commit crime, and to go free to commit crime again and again.

The Supreme Court has done even more to encourage the atmosphere in which acts of so-called civil disobedience and crime and riots have burgeoned all across this land. And it has struck down safeguard after safeguard erected by the Congress against the Communists within our midst who would overthrow our government and destroy our way of life.

We have heard much about hawks and doves and escalation and de-escalation in the last few years—all with respect to the war in Vietnam. Well, I would like to say to the delegates to this Forum that I am a hawk in the war on crime, and I fervently believe that that war ought to be escalated.

At this point, as much as I regret to say it, America is losing in the war on crime. The counter-offensive that has been mounted thus far against crime and guerrilla war in the streets—against demonstrators who harass and disrupt, against hoodums who violate the law, against rioters who loot and burn and destroy, against demagogues who incite to violence and insurrection—this counter-offensive has been far too little, and it has been almost too late.

I am a hawk in this conflict, for if ever a war needed escalating, it is the war we ought to be waging against riots and crime and the terror in American cities that make decent citizens cower behind locked doors and drawn curtains at night, afraid to venture out in the street for fear of becoming another statistic in the current catalogue of U.S. crime, a victim of anything from purse-snatching to rape, from robbery to murder.

I am a hawk in that conflict—although up to very recently I was a lonely one—because if we do not escalate our counter-offensive, if we do not stop losing and start winning very soon, we can lose our country at home without an external enemy ever setting foot on our shores.

I am a hawk because I have become convinced that the only language the criminal understands is the language of force. The only way this country is ever going to restore the domestic peace it once enjoyed is by the use of society's rightful, legal, force against the unlawful, illegal, force that threatens it.

I do not stand in the way of constructive change. But evolution achieves so much more than revolution. Rebellion is not progress; indeed, those who incite it do not mean for it to be. And so, I am convinced, we must meet them on the ground they have chosen. It makes little sense to talk of model cities programs, or better schools, or more jobs to a young hoodlum who faces you with a brick in one hand and a knife or a gun in the other.

I have supported many programs for the advancement and the betterment of the disadvantaged, especially in the field of education, and I shall continue to support every effort, government or private, that I think will produce better citizens and bring about a better society. But it does not make much sense to start remodeling the upstairs when the basement is on fire.

Perhaps my language is too forthright. But, my friends, in my judgment the situation that has developed in this country in the past year demands forthright language and firm action to match. I think that government and citizens alike have temporized too long. I think we have been too tolerant, too inclined to make excuses for the criminal, too willing to blame society for the criminal's misdeeds, too inclined to let things slide, until now the whole situation threatens to get completely out of hand unless strong measures are undertaken and undertaken soon.

I think that basically what America needs more than anything else—more than new laws, more than new "programs"—is a rededication to the precepts and principles that made it a great Nation.

Our need can be summed up in one word, the key word in the theme of this meeting—allegiance.

We need a revived allegiance to law and order; a new allegiance to the concept that punishment should surely and swiftly follow crime; a new allegiance to the precept of justice for all—the majority as well as the minority.

We need a re-kindled allegiance to our homes, and a restored allegiance to our churches and to our God.

We need, in short, a renewed allegiance to our flag and to all that it symbolizes.

I believe that groups such as yours can have a very great influence in helping to bring about the re-affirmation of allegiance, that is so badly needed, to the time-tested virtues and old-fashioned ideals upon which this Nation was founded.

I would like to think of 200 million American voices saying in unison, "I pledge allegiance to the flag of the United States of America and to the Republic and to all of the ideals for which it stands. . . ."

There is nothing immature or base in love of country. There is nothing naive of impractical or unrealistic in calling for a return to fundamental principles and practices that have proved their greatness in the building of the American Republic.

The pendulum swings. I believe—and I am sure that you must believe—that wherever our institutions have become weakened we can make them strong again through a rededication of our allegiance toward our flag, our God, and our country.

NEW SOCIAL WELFARE PROGRAMS FOR MINNESOTA

Mr. MONDALE. Mr. President, there is a deep tradition of innovation in the State of Minnesota. Our programs in the fields of education, social welfare, consumer protection, and conservation attest to this spirit of experimentation. Now this same feeling of innovation has spread to the communities throughout the State. New ideas and new programs aimed at solving the urban crisis are emerging from Minnesota.

These ideas are not limited to the large cities but are common throughout the State. Communities such as St. Cloud, South St. Paul, Brainerd, Le Sueur are attempting to find solutions to their urban ills. This is true whether it is a town of 5,000 or a city of 50,000. Minnesota has two model cities, a pilot neighborhood center, a metropolitan council in the Twin Cities which may serve as the model for other metropolitan areas, a special program funded by the Ford Foundation to examine the problems of the smaller city, and exciting urban renewal programs throughout the State.

The reason for all this activity is that the leadership in each city is concerned about the future of its community and has committed itself to immediate action. Meaningful solutions are emerging, and the result will be an overall improvement to the quality of urban environment within the State.

Mr. President, this month's issue of the Minnesota Municipalities discusses some of these innovative ideas: the model city applications from Minneapolis and Duluth; the Metropolitan Council of the Twin Cities; and the small town study funded by the Ford Foundation under the direction of Political Science Prof. Ed Henry, of St. John's University who is also the mayor of St. Cloud.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD, to serve as examples of the exciting things happening in Minnesota.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ST. JOHN'S ESTABLISHES SMALL CITY STUDY CENTER

(By Edward L. Henry, Mayor, St. Cloud)

Social science research in recent years has recognized the agonizing plight of the large metropolitan centers. Federal, state, and private foundations have poured funds into macro-city in an attempt to delineate the problems and seek acceptable solutions. In the next few years such research on macro-city will produce voluminous and unassailable data with which policy makers can shape the course of urban development.

The problems of the smaller urban center, micro-city, have scarcely been scratched, however, and its potential in the federal system has generally been ignored. For instance, have we underestimated the role of the smaller city in skimming off a large part of the population boom that we have somewhat uncritically assumed must flow to macro-city and environs? Are there steps that must be taken now to make such micro-cities livable in 1980, steps that will preserve some semblance of community and some vestige of unified political authority? What are the future costs of present inaction in these areas?

Increasingly the federal government, and somewhat belatedly, the state governments, are recognizing the problems of urban civilization. But as these programs grow in scope is there a danger that they are based on assumptions germane to the large metropolitan area, but not to micro-city? For example, lacking the large scale staffs basic to a division of labor, smaller cities are finding it difficult to acquire the expertise on a multitude of urban programs that in theory are available to them. Frequently, micro-city finds itself blanketed in with the large cities in fulfilling federal program requirements, yet the different political climate and the more personalized politics in the smaller city may call for a different approach than the same program in a larger city.

MINNESOTA, A CLINICAL STUDY OF MICRO-CITY

Minnesota is an excellent launching pad for a clinical study of the pathology of the smaller city. It has the fourth largest number of governmental units in the nation, the largest number of townships, and the third largest number of school districts. Minnesota is, in turn, about the *median* in total population among the States of the Union. Cities between 10,000 and 50,000 in Minnesota are unorganized for political action in the legislature and devoid of anything but the most sketchy picture of their collective condition.

The large number of townships in Minnesota is a particularly distressing problem for the outstate micro-city. Such townships possess only partial governmental powers and were created as sub-units of the county to care for minimum needs of residents. These "half governments" are now absorbing the over-flow across city boundaries but are not equipped temperamentally, historically, or legally to provide services.

In addition to involving mother micro-city increasingly in competitive undertaxation, they exert downward pressure on municipal service standards such as health, housing, zoning, and animal control. They are in turn accumulating a backlog of problems that will explode in another decade. Such suburban, non-incorporated areas now refuse to consolidate with micro-city largely because of tax differentials. But ten years from now micro-city will refuse to take them because of the potentially heavy capital outlays for sewers, water, streets, and parks. One need not be a prophet to forecast that under these conditions micro-city and its suburbs will scarcely constitute healthy communities for present or future citizens, attractive models for decentralization programs, or even self-sufficient governing units.

RECENT LEGISLATIVE ACTION IN MINNESOTA

One of the problems in updating micro-city is the lack of information (on the part of local and state policy-makers) regarding its accumulating cancers. Even reapportioned legislatures, beginning to respond to the needs of metropolis, have not yet understood that *most of metropolis' problems exist, if in lesser degree, in micro-city and there may be additional ones different in kind afflicting the outstate cities.*

In Minnesota the 1967 Legislature moved on city problems, but the problems cared for were overwhelmingly those of metropolis, not micro-city. Since annexation laws were not amended, hundreds of thousands of dollars of social and economic waste will occur before the next legislative session. During this period, undersized water and sewer lines will be installed only to be ripped out at such later date as consolidation occurs. Streets will be hardsurfaced without underground installations. Disposal and water systems will be installed oblivious to the economics of scale. Suburbs and housing developments will grow "like Topsy" without proper zoning, park planning or street layouts.

The Legislature provided for compulsory water fluoridation and school consolidation without referendum, but urban consolidation still requires a referendum. Cities of the second and third class, surrounded by unincorporated suburbs with consequently low tax rates, perforce pay for services enjoyed but not paid for by suburbanites. St. Cloud, as an example, is told by its planners that it must acquire an additional 2,500 acres for residential and commercial expansion by 1975, but state laws and the facts of economic life make this an improbability.

Some times legislators are unaware that apparently unrelated issues have a direct bearing on micro-city problems. By authorizing county governments to issue "on sale" liquor licenses in rural areas, that is, outside

municipal boundary lines, while not increasing the number of licenses micro-cities might issue, the Legislature inadvertently put another block in the way of urban consolidation, and the effort of micro-city to maintain economically the health of its downtown area. Since these cities long ago issued their quota, new restaurants, motels or hotels on the fringe of micro-city will stand to lose their cocktail lounges if they annex.

In a tax reform package, the 1967 Legislature provided a grant-in-aid to micro-city of $5 per capita ($6.50 for macro-city) and likewise $5 per capita to all townships. This wipes out township taxes in many jurisdictions and where such township flanks a city it aggravates the tax differential for business location. In legislating local government aid in this form, the higher operating costs per capita of municipalities were overlooked and the long-established principle of grants on a "needs" basis that characterizes educational assistance in Minnesota was not applied to local governments.

In the field of health and sanitation inspection, the Legislature set a precedent for *maximum* statewide dairy and bakery operations by compelling municipalities not to exceed *state* standards which are set, not by the State Department of Health, but by the State Agriculture Department which is basically responsible for protecting farmers' markets rather than city dwellers' health.

No special aids were granted to outstate cities which contain institutions that serve an area much broader than the municipality, but which must be serviced at the expense of municipal taxpayers only rather than all of the benefited clientele. For example, 6.4 of St. Cloud's 10.3 square miles of area are tax exempt and include a large state college, a state reformatory, a large consolidated public school, and a federal veterans' hospital. Seven thousand students now go to class in a neighborhood with public facilities meant to service 1,000 residents fifty years ago. A $400,000 backlog of street, water, and sewer improvements in this campus area are considered to be a local, not a state responsibility, and the state has not provided parking facilities nor contributed to street reconstruction.

At the county level, micro-city taxpayers provide the major part of the county tax base, but receive little or no attention in the county budget. St. Cloud taxpayers annually pay a sum of $300,000 to the three counties in whose jurisdiction St. Cloud lies solely for the Road and Bridge Funds, a sum equivalent to ten per cent of the city budget. None of this is spent within the city limits.

If we add to these difficulties the fact that most elected municipal officials in Minnesota (all part time) are unaware of the problems they will face in ten years, the prognosis for micro-city is poor. The first and fundamental requisite for remedial action is recognition of the problem. This recognition is occurring in macro-city; it is still very murky in micro-city.

THE ST. JOHN CENTER

Saint John's University, Collegeville, Minnesota, is establishing a Center for the Study of Local Government to be located on its campus adjoining St. Cloud, a classical micro-city. A Ford Foundation grant of $182,000 will support a thirty-month kick-off project on the role of micro-city in the federal system. Once established, the Center will continue to utilize its resources for the study of other local governmental problems.

The initial project of the Center for the Study of Local Government will focus on micro-city as part of the federal complex.

1. The Center will act as a catalytic agent in stimulating research on micro-city by foundations, colleges, city, and state agencies. This will be accomplished through conferences on small city problems to which outstanding state and local officials and university researchers would be invited. Some $12,000 of Title I funds will be added to this phase of the program as a supplement. Saint John's educational FM stereo radio station, the eleventh most powerful educational station in the country, covering the entire state and into the four adjoining states of the two Dakotas, Wisconsin and Iowa, will be utilized to disseminate information generated by the conferences.

2. Spot conferences will be held in key local areas in the State of Minnesota both to turn up new problems and to educate local officials. It will provide a format of experience for other states which might wish advice and help in stimulating interest in their own micro-cities.

3. Research will be conducted under the direction of the Center on about a dozen Minnesota cities between 10,000 and 50,000 population outside the Twin City (Minneapolis-Saint Paul) area. Teachers and students in Minnesota colleges will be utilized where feasible to supplement accumulation of basic data. A standard set of such data will be sought as the first step toward generalizations on micro-city in Minnesota. An independent study of each city through interviews and analysis of planning data will also be done. Liaison will also be established with other associations and agencies doing work that has implications for the smaller cities such as The Upper Midwest Research Council; Agricultural Extension Service; University of Minnesota; State Board of Health; State Highway Department; State Department of Urban Affairs; and others. The plight of micro-city will have to be placed in the socioeconomic context of its part of the state. The Center will not hesitate to utilize and even partially finance other research that bears on its own mission—micro-city.

The fruits of this project, hopefully, will include the following:

1. A functioning and continuing Center dedicated to the study of the much neglected outstate local governments and acting as a clearing house and idea center on their problems. To date each type of local government is represented by an association of some sort. There is no one association or center that can rise above the vested interests of each. *This type of Center could well develop useful experience as a pilot project for other similar centers about the country.* The college-community relations program under Title I of the National Education Act presages ultimate use of federal funds for such centers. Experience gained now could later avoid wasteful mistakes on a grand scale.

2. In addition to the pilot nature of the Center there will result *a sharpening of the dimensions of micro-city problems for policy-making purposes at all levels of the federal system. Specifically in Minnesota, such a sharpened focus could pull the micro-city officials together and give the legislature an unassailable picture of the needs of its smaller cities for legislative attention. It would undoubtedly also result in better planning and policy making by municipal officials relative to their own problems. It would give encouragement to group action by such micro-cities. Federal administrators of urban programs would benefit substantially from new insights on smaller city problems and capabilities. This in turn, might result in more flexibility in federal programming for smaller cities.*

3. Finally, a series of monographs representing both the substantive research conducted by the Center, as well as proceedings of the conferences called by the Center, will be published. As research continues, it is possible that study in depth of one of these cities similar to the earlier Middletown studies or the New Haven study (*Who Governs*) might be made for a community smaller than either of the preceding.

Undoubtedly, as the Center digs into the murky subject of micro-city, new avenues of exploration and new areas of intergovernmental possibilities will show themselves and be added to the exploration agenda. Precisely because little exploratory work has been done in this subject, new paths must be opened and flexibility maintained. In this sense, the study is an inter-disciplinary one and not as subject to a scientific and precise delineation as one would like. But it is a subject with many practical policy implications at each level of the federal system and one that deserves attention.

Since this proposal was conceived, the Secretary of Agriculture and six departments of the Cabinet sponsored a nationwide conference to open up the subject of reversing the population drift to macro-city. This implies strengthening local villages and cities and effecting close cooperation between area development and the smaller mother cities which serve the areas. In the 1930's Saint John's University was noted for its "Rural Life Movement" agitation. Through this proposal it would seek to pick up that vein of thought dropped when World War II intervened and update its philosophical commitment to a decentralist philosophy with empirical research in order to determine the feasibility of decentralization as a practical public policy alternative for the rest of this century.

DULUTH, MINNEAPOLIS RECEIVE GRANTS TO PLAN MODEL CITY PROJECTS

(By Antona Richardson, league staff)

Duluth and Minneapolis are the two Minnesota cities among the 63 chosen from 192 applicants to share $11 million worth of grants to plan model cities projects. Cities whose completed plans are approved will share in $300 million appropriated by Congress to implement their programs.

Federal grants to the selected cities aim to encourage the planning of innovative, coordinated attacks on the physical and human ills which besige the modern urban environment. According to HUD Secretary Robert C. Weaver, program success and the provision of models for other cities to emulate is dependent upon ". . . full involvement of the skills, commitment, and resources of federal, state, county, and city government with neighborhood residents, private enterprise, organized labor, and community agencies and organizations of all types to transform blight and decay into health and hope for the most afflicted sections of the nation's urban areas."

As outlined in the accompanying articles, the Minneapolis and Duluth projects give promise of meeting Secretary Weaver's criteria.

DULUTH—IDENTITY THROUGH INVOLVEMENT

Duluth emphasizes resident planning and decision making.

Duluth does not intend to pay lip service only to the Demonstration Cities Act requirement that planning be ". . . carried out *with* as well as *for* the people living in affected areas." The priority dominating all others in its program is the selection, training, and involvement of neighborhood citizens in a role so central and decisive that the structure will not operate successfully without their full and active cooperation. Resident participation will develop a group approach to common problems, it is believed, and provide the individual motivation essential to accomplish operational facets of the program.

Thirty-two "Leadership Trainees," are currently being selected from among the residents of the neighborhood for which the $121,000 planning grant was received. An equal number of "Leadership Volunteers" will be selected as their counterparts from the business and professional community. Four volunteers will be paired with four

trainees as personal tutors during an initial five-month training period, during which both will also conduct attitude surveys and gather satistical data for one of eight "Action Panels" established to concentrate on the identifiable problem categories of the Model Neighborhood (Housing and Relocation, Education, Crime, Employment, Health, Public and Volunteer Social Service, Physical Improvements and Facilities, and Recreation and Culture. Each Panel will be chaired by a career professional in the relevant problem area. Trainees who complete this period will then be designated as "Community Foremen" and share full responsibility and authority to establish objectives and determine priorities for programs in the problem area of the panels on which they serve.

The 580-acre neighborhood which is the focus of Duluth's planning holds about nine percent of its population. Located on a steep hillside overlooking Lake Superior, it surrounds the central business district and the adjoining industrial area on three sides. On its periphery it abuts residential areas which range from deteriorated to deteriorating to average middle income. One of the oldest parts of the city, it exhibits the community's most serious physical and social problems, despite previous intensive private and public efforts towards their solution. The need for a much more comprehensive and concerted effort dictated the selection of the Central Hillside neighborhood as the focus for the Model City program.

Second to Duluth's dominant emphasis on community involvement, is its related priority that all program activity be directed toward measurable goals. The emerging leadership potential of the Community Foremen is to be strengthened and reinforced by visible, tangible evidence of success. They are to experience the reward value of seeing goals actually reached. Therefore, the development of specific, measurable performance objectives, embodied in a concise and clear five-year master plan, is the scheduled outcome of the year-long planning effort.

The individual subject panels will be disbanded during the final month of the project, and Community Foremen and Leadership Volunteers re-organized as a "Model Neighborhood Committee" which must approve, by majority vote, each individual objective of the final five-year plan as well as the over-all program projected.

According to its planners, the underlying philosophy of Duluth's commitment to genuine neighborhood leadership rests on the conviction that change cannot be successfully imposed, only stimulated and guided; that those who are expected to live with new concepts must have a voice in developing them; that the latent leadership potential of residents can be developed through a training program with proper incentives; and that a small stipend and a modicum of prestige do not alone constitute sufficient incentive. The "Community Foremen" concept will work, they believe, but only where participants are aware that they can be the movers and molders of a real action program, and not just figure-heads in a project dominated by the bureaucratic establishment. Duluth developed its strategy to make possible "identity through involvement."

MINNEAPOLIS—DECISION '67, ACTION FOR BETTER LIVING

The Minneapolis Model Neighboring—component of the city-wide system for development.

"The model neighborhood is a new way of looking at, thinking of, talking about, and doing things in the south side of Minneapolis. It is a place, it is people, and it is action." The focus of planning under the $215,000 federal grant will be on translating the comprehensive citywide goals already established by Minneapolis' "Decision '67" program into specific policies and programs based upon the unique needs and conditions of the model neighborhood, with the participation and active support of its residents. In the context of the major city-wide goals, Model Neighborhood objectives are expected to include the

Attainment of a population structure balanced as to age, income, and social characteristics

Provision of greater opportunity to secure desired housing and environment

Development of a climate for viable community life

Provision of convenient and safe access to all desired activities.

Development of the major productive resource of the Neighborhood—its people's trained minds and creative capacities.

Promotion of industrial and central business district growth to provide investment and job opportunities through neighborhood changes.

Development of increased vitality in the Neighborhood's commercial areas.

Maximizing of transportation benefits lying immediately south of the central business district, the Model Neighborhood area contains 1600 acres and a population of about 59,000 people, the highest concentration of any Minneapolis area, nearly twice the city's average population density. Two-thirds residential in character, its commercial development includes regional, community and local shopping facilities as well as neighborhood convenience centers and commercial strips. A strip of relatively small industries is intermixed to an unusual degree with adjacent residential and commercial uses. This area contains a heavy concentration of blighted and obsolete structures, along with middle class neighborhoods and major institutions. A large number of low income families with serious cultural disadvantages lives here, as well as a substantial concentration of elderly residents. The only section of the city abutting the central district in which no substantial physical or social improvement programs have heretofore been initiated, its selection as the Model Neighborhood will mobilize governmental and private resources to meets its critical needs.

Citizens, agencies, and local groups, long concerned about their neighborhood problems, will now be enabled to come together as a community to attempt to solve them. Their broad objective will be to develop a plan which will accomplish in five years improvement sufficient to control physical and social problems and reverse downward trends, and promote continued improvement in subsequent years.

Of prime importance will be the prompt initiation of activities to maintain or restore and improve confidence in the neighborhood. Priority will be given to public or private physical-social improvements which will serve as catalysts to on-going efforts. Projects immediately urgent to alleviate severe problems will also be assigned high priority.

Within these priorities, the improvement of *families* from the physical and social standpoint will be the major objective and focus of planning. Emphasis will be placed on the improvement of, first, family social problems; second, income potential; and finally, housing and environment. This establishment of area families on an upward-bound course should foster the development of confidence, pride, and identity, and consequently stability within the community. Residents of the area, including representatives of its poor, will exercise final judgment over their Neighborhood's plan upon its completion.

The Model Neighborhood program is thus expected to play a unique and essential role as a component of the system for city-wide community improvement, through the integration of its objectives and goals with those of the entire city and the metropolitan area.

THE METROPOLITAN COUNCIL

(By James L. Hetland, Jr.)

The concentration of a great number of people in the relatively small geographical Twin Cities metropolitan area creates problems that cannot be resolved on a single municipal or county basis. Problems which transcend traditional political boundaries require a regional or metropolitan solution. On August 9, 1967, the Minnesota State Legislature created a unique local governmental agency, the Metropolitan Council, to consider and implement orderly and coordinated solutions to areawide urban problems. Neither a special nor a single service district, the Council is a general service agency designed to coordinate all metropolitan activity. It is not a traditional governmental structure. More than a voluntary council of local governmental officials and less than a formal governmental unit, the Council was designated as an areawide agency to serve the citizens of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties. *These seven counties represent an urban complex of approximately two million people which in the next 35 years will grow to over four million. At the present time there are included in the metropolitan area 26 cities, 105 villages, 68 townships, 77 school districts, 20 special service districts and seven counties giving us a complex of over 300 separate government units.*

In some metropolitan areas of the United States, organizations composed of representatives of elected municipal officials from the metropolitan area have formed together on a voluntary basis to solve area-wide problems. The only power of such a voluntary organization is derived from the exercise of local powers by joint agreement of the elected officials. In other areas of the United States and Canada a new and formal form of metropolitan government structure has been created, superior to the counties and municipalities involved and exercising many of the traditional local governmental powers.

In Minnesota we have created a new agency, designed to coordinate the operations of our local units of government and of our existing single-purpose metropolitan districts where such local plans or metropolitan agency plans affect the over-all development of the seven-county area. The Metropolitan Council is not charged with operational obligations for any existing service. The Council is to plan and implement the physical development of the area and the rendition of areawide services, but has no power to create or operate by affirmative action. The powers given to the Council are generally more negative than affirmative in form.

The Council is composed of 14 members, each appointed from a separate metropolitan district, plus a chairman appointed at large. Each metropolitan district consist of approximately two senatorial districts. The Governor appoints the members of the Council subject to confirmation by the Senate. The appointment of members from local districts recognizes the importance of having territorial dispersal among Council members to reflect the opinions and desires of citizens in all localities. It provides a representative to whom citizens and local elected officials within the district may look for direct contact and advice. Appointing on a district basis preserves the concept of one man, one vote. Since the Governor appoints on a non-partisan basis, the person appointed is likely to be one who has had wide experience and background in areawide problems and who recognizes that the need for an areawide solution to given problems must transcend the desires of single municipalities, Members of the district were initially appointed for terms of two, four, and six years with the term for each member being six years thereafter.

The Metropolitan Council is given taxing

authority within the seven-county area. It succeeds to all the powers and rights of the former Metropolitan Planning Commission, and has the right to adopt its own budget and work program and to disperse its own funds.

The legislature imposed upon the Council certain specific duties and granted to the Council certain specific powers. The Council has the right to review all long-term comprehensive plans of each independent commission, board or agency within the metropolitan area where such plans are determined to have an area-wide or a multi-community effect or to have a substantial effect on metropolitan development. The Council is to determine if the plan is consistent with the comprehensive guide for development of the metropolitan area and its orderly and economical development. In effect, the Council is granted a veto power over the long-range planning of the independent metropolitan agencies subject only to a provision for appeal to the next legislative session.

The Council has power of review over applications of all local governmental units including municipalites for loan or grant funds from the United States if review by a regional agency is required by the federal law. Again the Council is to determine if the proposed local plan is consistent with the comprehensive development for the metropolitan area. As a practical matter, a negative comment by the Metropolitan Council will likely have a conclusive adverse effect upon the grant application. A favorable or an affirmative response is likely to be a substantial assistance to the local community in obtaining federal assistance.

In addition, the Council is granted the right to stop for a 60-day period any local village, city or town plan which will have a substantial effect on metropolitan development. During this time, public hearings will be held to permit contiguous local units of government to be heard regarding the impact of the proposed development upon their community. The Council is to mediate and resolve the differences between communities if possible.

Then lastly, and perhaps most importantly, the Council is specifically directed to prepare and adopt after study and public hearings a comprehensive Metropolitan Development Guide. The Guide is to consist of policy statements, goals and standards, including maps, for the orderly and economic development, public and private, of the metropolitan area. By specific reference in the legislation, the Metropolitan Development Guide is to consider all physical, social and economic factors which will have an impact upon the entire area including land use, parks and open space, location of airports, highways, transit facilities, public hospitals, libraries, schools and other public buildings.

In addition to this specific review and development function, the Council is directed to engage in urban research and study. It is to prepare a program for continuing study in the areas of control and prevention of air pollution; of acquisition and financing of major parks and open space areas; of the control and prevention of water pollution; of the development of long-range planning in the metropolitan area; of the acquisition of necessary facilities for solid waste disposal and means of financing the same; of determining methods of equalizing the tax structure within the metropolitan area and making uniform assessment practices within the area; of determining the necessary storm drainage facilities and methods of financing the same; and lastly of determining those areas where consolidation of common services of local governmental units will be in the public interest. Advance land acquisition for development of the metropolitan area is also to be studied. In each of these areas the Council must report back to the legislature and include in its recommendations not only its solution, but a recommendation as to the governmental organization or governmental structure best suited to discharge the responsibility under the recommendations made.

This recital of the duties imposed upon the Council clearly indicates that the Council is more than a metropolitan planning agency, yet less than a new governmental agency.

What is the Council likely to do with the powers given to it? As a result of extensive study, the Council has adopted a 1968 work program, involving an expenditure of approximately $1,200,000. Included are all of the major areas of study requested by the state legislature. Not capable of resolving all areawide problems within the next year, the Council has selected six specific areas, each important to over-all development in our metropolitan area, where it will undertake to complete its study and make recommendations prior to the next legislative session.

The first emphasis is on parks and open space, including the development of a metropolitan zoo. In a metropolitan area three factors, more than anything else, control its ultimate development; highways and mass transit, utilities and open space areas. Of these, parks and open space areas will be the first to disappear as population continues to expand into open areas surrounding our present suburbs. A plan for immediate acquisition of parks and open space is therefore a compelling necessity. The metropolitan zoo is a major part of the park and open space program and a much needed esthetic facility for our citizens.

Sanitary sewers are our second area of concern. Everyone in the seven-county area has recognized for at least six years that something must be done to coordinate sewage disposal in the seven counties. The legislature has been unable during the past three sessions to resolve this very difficult problem. On the other hand, the ways and means of handling sewage disposal will have a major impact upon plans for developing and using our three major rivers and our three major river valleys.

Trash and solid material are accumulating at a freightening pace as our citizens become more and more affluent and as we demand and obtain more disposable luxury items. Public dumps and means and methods of disposing of our solid waste are of inestimable concern to each of our municipalities as well as to our citizens. The third area to be studied by the Council will be solid waste disposal. The Council will determine ways and means of disposing of trash but will not consider questions concerning public or private ownership of trash collection, etc.

The fourth item is development of a mass rapid transit plan, recognized as one of the three keys for controlling area development. The legislature created a special metropolitan service district known as the Metropolitan Transit Commission, and as a part of that legislation (as well as specifically in the Metropolitan Council legislation) the Council is required to pass upon the ultimate transit plans to be developed by the Transit Commission.

Modification of the local consent procedures on highway locations is the fifth item. Under present law, local communities are given a practical veto on the location of state highways within their municipal limits. More often than not the municipality considers the desirability of suggested highway plans from an economic rather than an over-all point of view. Local concern regarding access routes and highway location is legitimate, but in resolving the local concern, the metropolitan area cannot under all circumstances permit municipalities to determine the number of access points on new highway systems. The municipalities often desire access points because of commercial or industrial development that will arise by virtue of being on or near an access point. On the other hand, as the number of entrances and exits increase, the rate of traffic flow on the highway decreases proportionately. The result will be either that traffic will flow at a very marginal rate of speed or that highways must be built to accommodate the additional access routes which often times may require eight- or ten-lane highways.

The last and perhaps the most important matter that the Council will resolve before the next legislative session is the Metropolitan Development Guide—of overlooking importance to every decision that all of us will be making in the course of the next 30 years as this area develops. The Guide will be the subject of public discussion and decision within the next six to nine months. If the plan does not accord with the desires of our citizens, it cannot work. On the other hand, it is clear that if we are to have an orderly development of our area to permit our citizens to live under the most favorable circumstances and conditions, we must have a plan. This is our dilemma and our challenge.

What is the Metropolitan Development Guide? Essentially it is a plan for the physical development of the seven-county area through the year 2000. The emphasis is on policies for action by various levels of government. It is a statement of policies, goals and programs. It becomes a "how to do it" guide, rather than a typical zoning approach which indicates *where* development will take place.

This does not mean that the Development Guide will not contain certain definitive conclusions that could and often will be mapped, but rather that it will be concerned primarily with those things that have the greatest impact on physical, social and economic development. If policies for major commercial centers, transportation facilities, utilities, and open spaces are determined, development of residential housing, subcommercial shopping areas and smaller industrial areas will follow the over-all lines as a matter of course.

The Metropolitan Council is fortunate in having available to it a tentative Metropolitan Development Guide created after four years of concentrated study and action by the former Metropolitan Planning Commission, the Minnesota Highway Department, the planning departments of the cities of St. Paul and Minneapolis and the county engineers from the seven counties. In developing the tentative Guide, four different structures of development were considered and the physical and economical consequences of each were studied through computer techniques. The ultimate decision on the form of development as set forth in the Development Guide was determined by a physical survey of the residents of the area and a questionnaire survey based upon discussion and seminar study by locally elected officials.

A constellation city pattern is the form finally determined in the tentative Guide. This means that the Minneapolis and St. Paul downtown areas would be preserved as major commercial areas with each downtown area growing half again as large as it is today; 20 to 30 large diversified community commercial centers similar to the total. Southdale complex would be created; 40 to 60 smaller retailing centers comparable to Har-Mar or Knollwood would then be located around the larger centers. Industries would be located in industrial parks, close to but not within the commercial centers. Industrial parks would be from two hundred to six hundred acres in size. A system of freeways radiating to the downtown area would be developed supported by an underlying grid of highways serving the centers and the surrounding neighborhood. A mass transit sys-

tem would be created based upon the radial routes and supplemented by local buses.

The first question that members of our community must answer is whether or not they agree with the principles set forth in the Guide. Do they desire retention of large downtown areas in our core cities and the creation of constellation commercial areas? If this question is answered in the affrmative, the next question is then, what types of development controls are needed to implement or sustain such development? Not all new communities will be blessed with the location of a major commercial or industrial complex. How will we compensate those communities for a potential loss of tax base? Many forms of development control are possible, but the control ultimately adopted must be compatible with the desires of our citizens and our private economic system.

By way of example and example only, will it be best to permit a metropolitan agency to have total ownership of all development rights in the undeveloped areas of our seven-county metropolitan area? Would it be desirable to permit a metropolitan agency to have zoning controls over the location of commercial areas, industrial areas, major transportation routes and open space and parks? Would it be desirable to provide for a metropolitan agency in effect to own all industrial and commercial development areas?

Would it be sufficient to provide that no industrial or commercial development take place until a new area is serviced by a developed highway systems and developed utility services, with the metropolitan agency then controlling the timing and the location of new highways and utilities?

One thing is clear, if we are to develop a Guide and follow the Guide for orderly development purposes, some form of development control will be needed. The question that must be answered is the form and method of exercising this control. This question must be answered by the citizens of our community.

BRITISH LEADER DEFENDS U.S. ROLE IN VIETNAM

Mr. McGEE. Mr. President, in the dark days of 1940, when Great Britain stood nearly alone against the forces of aggression, the British people shouldered the burden for the free world even when many other nations were unaware or uncomprehending of the dimensions of the challenge and the effort.

Today, as the United States and other free nations join together to meet the present challenge of aggression in Vietnam, the judgment and perspective of Mr. Anthony Barber, the chairman of the Conservative Party of Great Britain, illuminates, in very few words, the crux of the effort being made to assist and support South Vietnam.

Mr. Barber spoke at a meeting of the American Chamber of Commerce in London and dealt directly with the issue of Vietnam and the critics of our Vietnam commitment.

He is frank. He speaks candidly from experience. He goes to the heart of the matter and leaves no doubt as to where he stands. He knows the challenge of the aggressor cannot be answered by retreat or abdication of a nation's commitments, for such a course only increases the appetite of aggression. He knows what must be done and he knows it is never easy.

Mr. Barber's remarks are all the more valuable to us at this moment of debate and reexamination, because his wisdom is rooted in the perspective and the national heritage of a nation and a people who have stood the lonely test of leadership and principle less than two decades ago. The cause of freedom was the genuine beneficiary of the courage and commitment that the British people displayed at that time. Mr. Barber firmly believes that the commitment in Vietnam is of the same priority to the cause of independence in Asia and to free men everywhere.

Mr. President, I ask unanimous consent that Mr. Barber's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF ANTHONY BARBER, CHAIRMAN, CONSERVATIVE PARTY OF GREAT BRITAIN

Those who clamor for the United States to withdraw from the war had better realize what they are asking for. They are asking for a withdrawal and for the unconditional surrender, which would announce to the world that Communist aggression pays off. They are asking for the Communists to be given a free hand to take over any part of Southeast Asia they choose—Laos, Cambodia, Thailand, Malaysia and Singapore. And it would not end there.

And when these critics attack the United States, why don't they also attack the Australians and New Zealanders who are fighting side by side with the Americans?

At a time when the British Government has decided to withdraw its own military support from the defense of the Commonwealth allies in Asia, it ill becomes the supporters of our Government, sitting on the sidelines, to call upon another nation to break its pledge.

I know exactly where I stand. The United States is fighting for the defense of the Free World against the spread of Communism, and the United States deserves our gratitude and our understanding.

TAX CREDIT FOR COLLEGE EDUCATION

Mr. HANSEN. Mr. President, last year the U.S. Senate passed, in the form of an amendment to other legislation, a bill that would allow for a tax credit to individuals for expenses incurred in providing higher education. This amendment, previously introduced by Senators RIBICOFF and DOMINICK as S. 835, was cosponsored by 53 Members of this body. Although the amendment was later deleted from the bill's final form, as were several other amendments, it is still sound legislation.

The necessity of providing some relief to individuals incurring the high cost of college education has been pointed out on a number of occasions. Certainly one of the strongest arguments for the passage of such legislation is the heavy burden being borne by middle-class Americans who are attempting to send their children to college. It is forever to the credit of the junior Senators from Connecticut and Colorado that they have called these facts to the attention of the Senate.

I was reminded once again of this ever-increasing burden by an article entitled, "Rising Cost of Going to College," published in the U.S. News & World Report of March 4, 1968. The article documents the point made so many times before that college expenses "have far outstripped the rise in most other living costs." The cost of going to college has been increasing over the last 10 years at an annual rate of 4 to 5 percent.

Since 1958, the average cost of a dormitory room at public colleges has increased by 91.27 percent, while tuition and fees have gone up by 67.37 percent. The comparable figures for private colleges are 67.81 percent and 104.4 percent. In the past 10 years, the total cost of higher education has increased by 44.15 percent in public colleges and by 68.47 percent in private institutions.

The argument has often been made by opponents of the Ribicoff-Dominick bill that since it covers only tuition and fees it does not provide substantial assistance to college students. However, it becomes clear after a close study of the figures used in this article that due to the fantastic increase in tuition and fees over the past 10 years—67 and 104 percent for public and private colleges respectively—these charges now account for a substantial portion of the cost of a college education. Today, tuition and fees account for 28.19 percent of the average total charges for the academic year at public colleges. In private colleges, tuition and fees make up 59.57 percent of the total cost. By 1969 the figures will be 28.57 and 60.2 percent. Thus S. 835 would provide a tax credit to individuals for between a third and two-thirds of the expenses incurred in financing their college education.

I feel that the proposed legislation is as sound as it is necessary. I would hope that Congress will act with dispatch in passing such legislation and providing much needed relief and assistance to America's college-bound youth.

I ask unanimous consent that the U.S. News & World Report article and a table containing percentage calculations based on figures derived from the article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RISING COST OF GOING TO COLLEGE

(NOTE.—Tuition, room, board—every campus expense keeps climbing in a spiral that seems endless. Private colleges are hardest hit. A look at the national trend.)

If you are shocked by the cost of sending your son or daughter to college—

Brace yourself for more bad news.

Latest official figures show that still another boost in college bills, averaging 4 to 5 per cent, is in store for the next school year.

All this comes on top of a rapid climb in college expenses that, over the last decade, has far outstripped the rise in most other living costs.

The accompanying chart reveals what has been happening, and the trend ahead. Figures cover tuition, fees, room and board, and are averages. They do not include books, clothing, transportation and other expenses that can easily add $500 or $600 to the basic cost of a year at college.

Thus a student going to a public university, if he is a resident of the State, will typically spend a total of $1,700 this year. In many cases, outlays will run hundreds of dollars higher.

If your son or daughter goes to a private college, the expenses will be much bigger, in most cases. Basic charges at private universities rose by two thirds in the last decade, reaching $2,266 on average this school year.

Adding in $600 for other campus costs incurred by the student brings the total to nearly $2,900, or about $80 a week over a

nine-month school year. Actually, in many private schools, costs of $4,000 a year are common.

$12,000 education? The average price for four years of private college is approaching $12,000. Even at State-supported institutions, the typical cost of a college education is nearing $7,000.

All told, college bills can amount to a small fortune for a family with two or more children of college age. And many students hope to go on to graduate schools after getting a degree.

The trends shown here help to account for the increasing popularity of two-year community colleges, where students can live at home.

They also explain the growing pressure to get federal scholarships for students, as well as the push to provide more Government aid to colleges, which are themselves caught in a seemingly endless escalation of expenses.

AVERAGE CHARGES FOR ACADEMIC YEAR AT 4-YEAR COLLEGE

	Total 10 years ago	Total this year	Total next year (estimate)
Public colleges	$770	$1,110	$1,155
Tuition and fees [1]	187	313	330
Dormitory room	172	329	348
Board	411	468	477
Private colleges	1,345	2,226	2,382
Tuition and fees	661	1,350	1,434
Dormitory room	233	391	412
Board	451	525	536

[1] Tuition for State or local residents; out-of-State residents pay more.

Note: Costs at many colleges are much higher than these averages. Expenses of books, clothing, transportation and other items push total outlays still higher.

Source: U.S. Office of Education.

PERCENTAGE CHANGE IN AVERAGE CHARGES FOR ACADEMIC YEAR AT 4-YEAR COLLEGES

	1958-68	1968-69 [1]	1958-69 [1]
Public colleges:			
Tuition and fees [2]	67.37	5.43	76.47
Dormitory room	91.27	5.77	102.32
Board	11.11	1.92	11.19
Total cost	44.15	4.05	50.00
Private colleges:			
Tuition and fees	104.40	6.22	116.94
Dormitory room	67.81	5.37	76.82
Board	16.18	2.09	18.84
Total cost	68.47	5.12	77.10

[1] 1969 figures are estimates.
[2] Tuition for State or local residents; out-of-State residents pay more.

Source: U.S. Office of Education; U.S. News and World Report (Mar. 4, 1968).

TUITION AND FEES AS A PERCENTAGE OF TOTAL COLLEGE COST

	1958	1968	1969 [1]
Public colleges	24.28	28.19	28.57
Private colleges	49.14	59.57	60.20

[1] 1969 figures are estimates.

Source: U.S. Office of Education; U.S. News & World Report (Mar. 4, 1968).

OMNIBUS HOUSING BILL

Mr. MONDALE. Mr. President, the Housing and Urban Affairs Subcommittee is presently conducting hearings on the President's omnibus housing bill. The bill is a definite commitment to house the poor and the low-income population of our Nation. It provides for the construction of 6 million units for the low- and moderate-income families over the next 10 years. It is my hope that the committee will report a bill which will help at least 6 million families over this 10-year period and will be directed to the low-income family which, in the past, has been bypassed by many of our housing programs.

The Minneapolis Tribune, in an editorial published on Sunday, February 25, praised the President's proposals, calling them "steps toward the day when no American, except by choice, is ill housed."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO AMERICAN NEED BE ILL HOUSED

The conscience of many Americans has always been troubled by the existence of so much blighted housing in the world's richest nation. But where earlier generations, including Franklin Roosevelt's depression generation, lacked the resources with which to end such blight, the prospect is now in sight. The nation, today growing in economic strength and affluence, has the resources with which to extend the opportunity for decent housing to all its citizens.

President Johnson recognized this possibility when he talked last week of a national goal of 26 million new homes and apartment units in the next 10 years, including 6 million homes and apartments for poor Americans.

The President proposed a number of governmental programs as steps toward the 6 million housing units for the poor. Among his suggestions are subsidized interest for low-income home purchasers, subsidized interest for builders of rental units for low and moderate-income tenants, certain tax incentives for investors, and special riot risk guarantees for insurance companies to encourage such firms to write policies on ghetto homes and businesses.

These and other related proposals were described by Mr. Johnson as being "directed toward the deeper involvement of the private sector. That involvement must match the massive dimension of the urban problem. What is needed is a new partnership between business and government."

The President's proposals are not unlike the techniques used by the West German government after World War II to obtain new housing to replace that destroyed in the war and to obtain added housing for millions of refugees. With an emphasis on the private sector, Germany used investment and tax incentives to stimulate a housing boom. The result was that Germany solved its housing problem.

There is no reason that America can't do it, too. The President's proposals are, we believe, steps toward the day when no American, except by choice, is ill-housed.

SAMUEL V. MERRICK, SPECIAL COUNSEL TO MAYOR OF BOSTON, MASS.

Mr. MORSE. Mr. President, a former staff member of the Committee on Labor and Public Welfare has taken a 2-year leave of absence from his current position in the Department of Labor to serve as special counsel to the mayor of Boston, Mass. He is Samuel V. Merrick, Special Assistant to the Secretary of Labor for Legislative Affairs.

Mr. Merrick in his present post since November 1961, will leave the Department immediately.

As Special Assistant to the Secretary of Labor for Legislative Affairs, Mr. Merrick directs the liaison work between the Department of Labor and Congress and is responsible for presenting the Department's legislative programs and views to Congress. In addition to these duties, Mr. Merrick served from January 1964 until May 1965 as assistant manpower administrator for youth programs. In that position he was in charge of planning youth programs and served as the Secretary's representative on the President's Committee on Juvenile Delinquency and Youth Crime and the President's Committee on Youth Employment.

For nearly 3 years before joining the Labor Department, Mr. Merrick was a professional staff member of the Senate Committee on Labor and Public Welfare, serving on these subcommittees: Youth Conservation Corps, Juvenile Delinquency, Railroad Retirement, and Employment, Manpower, and Labor. From 1959 to 1960, he served as counsel to a special Senate Committee on Unemployment Problems.

Mr. Merrick served 12 years with the National Labor Relations Board, and was a field examiner in Boston from 1942 to 1944 and in Winston-Salem, N.C., from 1946 to 1948. From 1944 to 1946, he was assistant director of disputes for the Regional War Labor Board in Boston.

Certainly Mr. Merrick is well qualified for his assignment as special aide to the mayor of Boston, Mass. I am sure his service there will also be of great benefit to the Department of Labor, when he returns, and I wish him well in his new post.

ADMINISTRATION OF THE HOMESTEAD LAW

Mr. BIBLE. Mr. President, each Member of this body has a deep concern with the equitable administration of the laws we pass. Those of us from the public lands States are even more directly concerned with the administration of the homestead laws. The original Homestead Act, signed by President Lincoln in 1862, was and is one of the great social documents of this Nation or any other nation. Its primary purpose was to bring people to the land, and to make the land available to the people who cultivate it.

Recently a highly pertinent judicial opinion has been written concerning the homestead law and its administration. The opinion was handed down by the Honorable Bruce Thompson, U.S. judge for the District of Nevada, and is in the case of Lance versus Udall, Secretary of the Interior. The case came before the court on an action for review of a decision of the Solicitor of the Department of the Interior. The homesteader had appealed to the Secretary for an equitable adjudication of a lower administrative decision denying his entry.

Judge Thompson, in his own words, "reluctantly" reached the conclusion that the Solicitor's decision was not judicially reviewable, but then wrote very persuasively and learnedly of equity in general and of the equitable adjudication statute with respect to the homestead law in particular.

He concluded by suggesting that the Secretary reconsider the decision of his

Solicitor "to the end that a broader chancellor's foot may be utilized in the solution of this type of problem."

In view of the pertinency of Judge Thompson's opinion to the equitable administration of the homestead law, Mr. President, I ask unanimous consent that the text of the opinion be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the District of Nevada, Civil No. 1864-N]

RICHARD DEAN LANCE, PLAINTIFF, *v.* STEWART L. UDALL, SECRETARY OF THE INTERIOR OF THE UNITED STATES, AND INDIVIDUALLY, ET AL., DEFENDANTS

MEMORANDIUM OPINION

This is an action to review a decision of the Secretary of the Interior cancelling a homestead entry. The final proof had been contested by the Bureau of Land Management upon the ground "that the Contestee's homestead entry is located in an area where the rainfall is inadequate and the Contestee has not applied such amounts of water, by means of irrigation, to the land embraced in the entry as may reasonably be required to produce a crop."

At the conclusion of the hearing before the Hearing Examiner, the entryman moved that the case be referred directly to the Director for equitable adjudication. The Director referred the case to the Hearing Examiner for recommended findings and decision and then accepted the case for equitable adjudication but found the equities to be against the entryman and ordered the entry cancelled. This decision was affirmed in an opinion by the Solicitor of the Department of the Interior, the final agency action of which review is here sought.

Equitable adjudication of suspended entries of public lands is authorized by 43 U.S.C. 1161, et seq.

"§ 1161. Suspended entries of public lands and suspended preemption land claims.

"The Secretary of the Interior, or such officer as he may designate, is authorized to decide upon principles of equity, and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same."

"§ 1164. Extent of foregoing provisions.

"Sections 1161-1163 of this title and section 1171, shall be applicable to all cases of suspended entries and locations, which have arisen in the Bureau of Land Management since the 26th day of June, 1856, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and preemption locations or cases; where the law has been substantially complied with and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or preemptor are prejudiced, or where there is no adverse claim."

Regulations pursuant to section 1161 have been promulgated by the Secretary:

43 C.F.R., § 2011.1 Equitable adjudication.

"§ 2011.1-1. Cases subject to equitable adjudication.

"The cases subject to equitable adjudication by the Director, Bureau of Land Management, cover the following:

"(a) All classes of entries in connection with which the law has been substantially complied with and legal notice given, but the necessary citizenship status not acquired, sufficient proof not submitted, or full compliance with law not effected within the period authorized by law, or where the final proof testimony, or affidavits of the entryman or claimant were executed before an officer duly authorized to administer oaths but outside the county or land district, in which the land is situated, and special cases deemed proper by the Director, Bureau of Land Management, where the error of informality is satisfactorily explained as being the result of ignorance, mistake, or some obstacle over which the party had no control or any other sufficient reason not indicating bad faith, there being no lawful adverse claim."

We first must decide whether this falls within the class of cases saved from judicial review by the Administrative Procedure Act (5 U.S.C. 701, et seq.). Section 701(a)(2) states: "This chapter applies, according to the provisions thereof, except to the extent that * * * agency action is committed to agency discretion by law."

We have reluctantly concluded that 43 U.S.C. 1161 does commit agency action to agency discretion, that judicial review is precluded by the express language of the Administrative Procedure Act, and that we must dismiss the action. *Southport Land and Commercial Company* v. *Udall*, N.D., Cal. 1965, 244 F. Supp. 172. We have considered holding that the Solicitor (acting for the Secretary) in this case did not in fact exercise discretion (Cf. *Chavez* v. *McGranery*, S.D. Cal. 1952, 108 F. Supp. 255), or, that if he did exercise discretion, he did not do so within the guidelines or standards prescribed by the Congress. Cf. *Richardson* v. *Udall*, S.D. Ida. 1966, 253 F. Supp. 72. In final analysis, however, we cannot escape the conclusion that if we did so, we would be substituting our judgment for that of the Solicitor in an area specifically delegated by the Congress to the discretion of the Secretary and thus subject to the statutory injunction precluding judicial review. The statute does not permit judicial review of agency action, committed to agency discretion merely because the Judge before whom the action is filed thinks that some other result should have been reached.

The foregoing necessarily concludes this memorandum opinion and the following comprises an unnecessary and, no doubt, unwanted expression of the reasons for our express reluctance in reaching this decision.

First: the Solicitor's decision holds the entryman to substantial compliance with all statutory requirement for perfecting a homestead entry. Under this interpretation of the equitable adjudication statutes (43 U.S.C. 1161, et seq.), there is no discernible difference between an equitable adjudication and a direct appeal, after hearing, from adverse findngs nd decision by a Hearing Examiner. It is our interpretation of the statutes that they are intended to vest discretion in the Secretary to grant patents or other relief where there has been less than substantial compliance with some statutory requirement, be it cultivation, residence time for final proof or whatever, accompanied by substantial good faith compliance with the requirements as a whole. In *Hawley* v. *Diller*, 1899, 178 U.S. 476, 493, the Supreme Court said:

"As carried into the Revised Statutes the purpose of this legislation is, where the law has been substantially complied with, to authorize the confirmation of entries which otherwise the land officers would be compelled to reject because of errors or informalities which, if satisfactorily explained as arising from ignorance, accident or mistake, would, in the absence of an adverse claim, be excused by the courts, in administering the principles of equity and justice. *The purpose of the legislation was not to limit or restrict the general or ordinary jurisdiction of the land officers. It was rather to supplement that jurisdiction by authorizing them to apply the principles of equity, for the purpose of saving from rejection and cancellation a class of entries deemed meritorious by Congress, but which could not be sustained and carried to patent under existing land laws.* There was no necessity for legislation authorizing the rejection or cancellation of irregular entries, but legislation was necessary to save such entries from rejection and cancellation when otherwise meritorious."

Second: The contest complaint limited the issue strictly to failure to apply water by means of irrigation as may reasonably be required to produce a crop. Because the entryman moved for an equitable adjudication, the issues became enlarged beyond the one specified to include substantial compliance with all requirements of a homestead entry. In a sense, the entryman brought this on himself by invoking the equitable powers of the Secretary, but it is pertinent to observe that had this been a direct appeal and adjudication, the strong reliance of the Secretary on the entryman's failure to cultivate, that is, plow, harrow, seed, nurture and harvest, would have raised a substantial due process problem.

Third: Much that the entryman did and failed to do followed the advice of the local land office officials. In particular, after his well failed, his neglect to plow, harrow, seed, nurture and harvest the twenty cleared acres stemmed directly from an official's advice to the effect that it would do no good so long as he had no water to irrigate. This appears to us to have been good advice in the light of the stated ground of the contest complaint lodged against his application for patent and the opinion of the Solicitor. And it emphasized the incongruity of ultimate reliance on failure to cultivate, rather than or in addition to lack of water as a ground for disclaiming a basis for equitable relief. To state it differently, we are convinced that even if the entryman had cultivated to the utmost, in the absence of a supply of irrigation water his entry would have been contested on the very ground stated in the contest complaint, and the contest would have been sustained.

On this issue, the Secretary said:

"It does appear that the appellant's problems may have been aggravated by cloudy advice from land office personnel. However, it is well settled that no rights may be obtained through reliance on erroneous information or advice given by a Bureau employee. See *Fred and Mildred M. Bohem et al.*, 63 I.D. 65 (1956); *Jess H. Nicholas, Jr., supra*, and cases cited. To the extent that any advice given, or action taken, by the land office may have suggested that the appellant would not be required to meet the cultivation requirements of the homestead law because he failed to develop a well or that his noncompliance with those requirements could be excused under principles of equitable adjudication, such advice was in error, for the cultivation requirements of the homestead law are mandatory and the Department is without authority to waive them. *Jess H. Nicholas, Jr. supra*, and cases cited."

This, we submit, is the identical statement the Secretary has made on direct appeals and normal adjudication, and it is, of course, true that an entryman can obtain no "rights" in reliance on wrong advice of a land office employee. The point is that in deciding upon "principles of equity and justice, as recognized in courts of equity", (43 U.S.C. 1161) the Solicitor should should not be talking about "rights". If the entryman had rights, there would be no reason to invoke the equitable discretion of the Secretary. We are strongly of the opinion that when relief is authorized on principles of equity and justice, the agency should consider the advice

given by the field employees and the extent of the entryman's good faith reliance thereon, and should weigh these with other factors in exercising the discretion granted.

Fourth: Similarly, in considering the facts that the entryman made two efforts to obtain a well on the property in 1958, one of which failed because the driller struck a rock and the second because the driller encountered cavernous conditions which resulted in his losing his "mud" and precluded further drilling, the Solicitor's decision cites an established rule of normal adjudication:

"The record does not disclose that appellant made any further attempt after 1958 to develop a well during the life of the entry, and no explanation is offered for failure to pursue such efforts except a lack of finances (Tr. 53, 54). The Department has consistently held that the inability of an entryman to meet the financial demands for development of his entry is not a circumstance in which he will be found to be without fault. See *Joseph S. Holt, Rose J. Holt*, A-28468 (November 2, 1960); *LaDean Butler and Ellen R. Butler*, A-28673 (February 7, 1962); *Virgil H. Belisle*, A-29954 (March 24, 1964)."

Here, again, while no one can quarrel with the statement of the rule, an equitable approach would suggest an inquiry into whether the entryman did have normal finances and did spend the customary amount of money to obtain a well. Equity should not require a homestead entryman to have unlimited finances.

Fifth: At the time of the evidentiary hearing, the record shows that the entryman was then making another effort to drill a well. Whether or not he was successful is not in the record, but principles of equity and justice would suggest a supplemental record to obtain this information and weigh its bearing upon equitable relief.

Sixth: Throughout the course of administrative decision, it seems to have been taken for granted that there were two, and only two, alternatives—either to grant the patent or to cancel the entry. The historical hallmark of "principles of equity and justice, as recognized in course of equity" is the capacity to fashion relief to meet the exigencies of the particular case. The jurisdiction of the chancellor in Equity was invoked to avoid the inflexible strictures of common law forms of action and forms of relief.

What this entryman, Mr. Lance, clearly needed was more time, and if the statute authorizing equitable adjudication has any obvious purpose at all, it should be applied in aid of a sincere, hard-working homesteader who failed, not through lack of effort, but only because the well driller met unexpected cavernous conditions and because the local officials told him, quite properly we think, that his only hope was to appeal to the conscience of the Secretary. It is our belief that on this appeal, the Secretary might well have said, "Mr. Lance, we will extend your time for final proof three more years to give you a reasonable time to get your supply of irrigation water and cultivate the twenty acres for two successive years."

The entryman cannot be faulted for failure to do this while the administrative proceedings were pending, because the record on his final proof was frozen and subsequent activity would not have implemented his "rights" absent equitable relief from the Secretary.

Extensions of time to make final proof are clearly within the equitable discretion of the Secretary, regardless of how narrow may be his interpretation of the scope of allowable discretion. 43 C.F.R. 2011.1-1, supra; *Dunlap* v. *United States*, 8th Cir. 1926, 12 F. 2d 868.

The foregoing words have been written with the hope that the Secretary of the Interior will reconsider the decision of his Solicitor to the end that a broader Chancellor's foot may be utilized in the solution of this type of problem.

The United States Attorney will present an appropriate form of judgment.

Dated: January 23, 1968.

BRUCE R. THOMPSON,
U.S. District Judge.

SENATOR HARRISON A. WILLIAMS, JR., PROVIDES A MUCH NEEDED FORUM FOR OUR NATION'S COMMUTERS

Mr. MONDALE. Mr. President, the Wall Street Journal of March 7, in a fine editorial, paid a well-deserved compliment to the distinguished Senator from New Jersey [Mr. WILLIAMS], who plans to hold hearings on the effect of railroad mergers on mass transportation. I agree with the Journal that this is an excellent and opportune subject for study by Congress. Certainly no one is more qualified for this task than Senator WILLIAMS of New Jersey, the father of the Nation's mass-transportation programs. He has built a most outstanding record in Congress as an effective advocate for the commuter.

I look forward to participating in the hearings. They will provide much useful information as to the effect that recent and contemplated railroad mergers will have on the future of mass transportation.

I ask unanimous consent that the editorial, entitled "A Forum for the Commuter," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A FORUM FOR THE COMMUTER

With a decline in long-haul passenger service paralleling the recent rash of railroad mergers, Senator Harrison Williams Jr., is, we think, properly concerned about the effect of these mergers on short-haul, or commuter, service.

For as the New Jersey Democrat observes, the question of the impact of railroads' mergers on the commuter "has not been discussed or even raised." And it certainly deserves to be.

The new rail giant, the Penn Central Transportation System, is to take over the New York, New Haven and Hartford, which is in bankruptcy. The Norfolk & Western, which is seeking to merge with the Chesapeake & Ohio, is under court order to absorb, among other smaller lines, the Erie Lackawanna, whose commuter service is dependent on subsidies from the State of New Jersey.

Now current and proposed mergers have promised substantial financial savings to the roads involved. One of the things Senator Williams wants to know is whether or not any portion of those savings will be used for the benefit of continued and better commuter service. For the commuter lines serve thousands of persons in areas already strangled by overloaded freeways; any decline in rail service could only make the problem of auto transportation worse.

Senator Williams is not suggesting that the merged railways which are taking over the commuting lines necessarily be compelled to run them indefinitely at losses, if losses continue to result. It may be, for instance, that to keep the commuter lines going some change in the Urban Mass Transportation Program or other Federal, state or local aid programs will be needed.

The time, however, to assess the problem is now, rather than when commuter service is in worse shape than it is. Therefore Senator Williams is holding hearings shortly to which are being invited railroad executives, representatives of municipal and regional transit agencies, Federal officials, state transportation officials and representatives of the riding public.

Thus the hearings will provide forum not only for officialdom but also for the long-suffering commuter. And as Senator Williams warns, "It's important that the commuter's voice be heard before it is drowned out by the rumble of freight cars."

FORMER NEW JERSEY GOV. ROBERT B. MEYNER TAKES ACTIVE ROLE IN FOCUSING ATTENTION ON INTERNATIONAL HUMAN RIGHTS YEAR 1968

Mr. PROXMIRE. Mr. President, the highly respected former Gov. Robert B. Meyner, of New Jersey, is among the 10 distinguished Americans who are helping to focus world attention on the International Human Rights Year of 1968.

Governor Meyner, now with the law firm of Meyner & Wiley, of Newark, N.J., was named by President Johnson earlier this year to the President's Commission for the Observance of Human Rights Year 1968. The purpose of the Commission is to promote the national observance of Human Rights Year in the United States and hopefully to focus public attention on, and win public support for, the Human Rights Conventions.

The appointment of former Governor Meyner can, indeed, be regarded as a significant one, for he is well known for his dedication to the support of human rights. His unremitting fight to help his fellow man has won for him well-deserved praise.

Governor Meyner served as chief executive of New Jersey from 1954 to 1962, and was a strong exponent of the ideals of liberty and equality for everyone. He was elected to the New Jersey State Senate in 1947 before taking over the reins of the New Jersey State government.

I am quite pleased at Governor Meyner's active role in the program to obtain Senate ratification of the Human Rights Conventions which will serve to encourage other nations to translate these principles into their own constitutions and codes.

FAIRMONT STATE COLLEGE PRAISED

Mr. BYRD of West Virginia. Mr. President, a most interesting article concerning Fairmont State College in Fairmont, W. Va., was published recently in the national newspaper, Home Furnishings Daily.

This article, which was brought to my attention by Paul E. Edwards of the history department at Fairmont State College, is a welcome relief from reading of bearded hippies, protesters, and professional nonstudents.

I commend the article to the attention of the Senate, and I ask unanimous consent that the article, entitled "In America," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN AMERICA

(By Charles Mitchelmore)

FAIRMONT, W. VA.—In the registration lines for the spring semester, the 2,755 students of Fairmont State College looked like

an instant replay of the fifties: Knee-length skirts and page-boy hair-dos for the girls, fraternity jackets and crewcuts for the boys.

"We don't wear mini-dresses and long hair," said a blonde senior who plans to teach grade school. "If we see it, we just have to stare at it. It's just not us."

"If I'm drafted, I'll go," said a sophomore football player. "The other guys on the team joke about fighting and about going to Vietnam and wading around in rice paddies and killing Viet Cong, but if they get called, they'll go."

"My husband was concerned about drugs because of what he heard was happening up at West Virginia University," said a married junior in P.E. "But one of the policemen who checks on that sort of thing told us it was introduced to Fairmont but the kids just wouldn't accept it. I think that's really a star in our crown."

"We were spending the first part of the hour talking about what's wrong in the country and the world when one girl put her hand up and asked: 'Why is everyone always saying things are wrong? I think things are pretty good' And you could see the wave of relief and agreement that swept over the class," said a history professor.

Fairmont lies at the conjunction of the Monongahela and the Tygard rivers in upper West Virginia, a town of about 27,000 which Fairmont State President Eston K. Feaster describes as the "traditional setting for conservatism—small urban in a rural area."

"I think one reason why people are so willing to accept the war as the top priority of our time is because they don't get out of this area," said a senior boy who wants to do graduate work in English at Columbia. "They don't see what's happening in the cities. They've never been to Detroit or places like that."

"We're isolated. There's no getting around it," said Richard Parrish, editor of Fairmont's evening daily West Virginian. "But one of the reasons why I liked getting out a special 'Progress Edition' last year is that we're making breakthroughs in transportation—the interstate highway, new airport and river facilities—that will get us opened up culturally, industrially and other ways."

Fairmont is in Appalachia. There are abandoned coal camps near the town and the brick works which is supposed to have provided the bricks for the Empire State Building is a lonely ruin just up the river.

But a big color television set glows nightly over the bar at Colasessano's pizza house—and half the TVs in town are color models, according to the man who hooks them up to receive cable transmission broadcasts from Pittsburgh.

Three new mines have been started in the last year and there is no unemployment in the coal business. Westinghouse makes light bulbs here and Owens-Illinois makes glass bottles.

To show how badly the mines want workers, one professor likes to tell about the boy who is being helped through Fairmont State by a mining company. In return for weekend work and in hope of his future services, he gets a stipend of $800 a month.

A junior in pre-law told about visiting his relatives in California last year: "There's this image of West Virginia—dumb and friendly and poor. They asked if we had electricity."

"I think some people think we run around without shoes," said a senior girl in elementary education.

An art instructor said he finds Fairmont State students defensive, "especially in the studio courses where that sort of thing comes out."

Down the faculty table from him, in the modern Muzak-equipped cafeteria, sociology professor Norm Pollock, who was born and raised in the area, explained:

"Our kids are conservative because they are largely fundamentalists, on the edge of the Bible Belt if not in it. And secondly, the kid here, unlike at Yale, will avoid at all cost endangering his college education because he doesn't have a rich father and can't transfer to Harvard or somewhere else."

At the city limits, under the "Home of Fairmont State College" sign, is a new green boarding reading "1967 N.A.I.A. Football Champions," the national "small college" title of which college and town are especially proud because there are no athletic scholarships at Fairmont State.

An out-of-state member of the championship team said he found it a bit funny that no one cheers at football games. "A guy runs 40 or 50 yards and they just sit there and clap politely." But it's a tradition that all speakers at college convocations are given standing ovations.

Over coffee, a senior girl in English said: "It worries me when you talk about caring enough to the point of protest because the major institution in the United States or anywhere else is the family and when you protest that's rebellion against all the institutions.

"West Virginia has its drawbacks," she when on, "but the warmest human beings I've met in my life and the people that I respect the most are the people from right around here. I think it's an advantage to have our naiveness, our politeness. People from larger cities respect it."

Would it be impolite then to protest? "Yes," she said.

"Partly that," said a senior boy. "And partly for fear of how people might react to it."

REVIEW OF BOOK "AIR WAR: VIETNAM"

Mr. MORSE. Mr. President, a most provocative book about air warfare in Vietnam has been written by Mr. Frank Harvey. It is entitled "Air War: Vietnam."

A review of this book appeared in the New York Review of Books on January 4, 1968, I ask unanimous request that it be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

OUR AIR WAR

("Air War: Vietnam," by Frank Harvey, Bantam, 192 pp., $.75, paper)

(By Robert Crichton)

In the spring of 1966 a freelance writer named Frank Harvey was invited by Maj. George Weiss, PIO officer for the 7th Air Force in Saigon, to Vietnam to do a "definitive" study of the conduct of the air war. Harvey was reluctant to go; he is fifty-three and the assignment would be arduous and hazardous. But because of his record as a military specialist (Harvey has written some eighty articles on military subjects in the past eighteen years, all of them laudatory, some of them adulatory), Weiss argued that Harvey was "obligated" to go.

At the same time, Edward Muhlfeld, publisher of *Flying*, a well-edited, hawkish aviation magazine, also felt the time was right for such a study, and asked the Air Force officials in the Pentagon to suggest a writer for the job. The Pentagon named Frank Harvey. In spite of Harvey's reluctance, a liaison was arranged between *Flying* and Harvey, with the Pentagon acting as matchmaker. The arrangement was consummated in June of that year when Harvey, at *Flying's* expense, flew to Saigon.

In all Harvey spent fifty-five days in Vietnam. Because of his credentials, he was allowed and encouraged to fly every kind of mission being flown in Vietnam. When he returned to this country, he had sampled everything except a bombing run over North Vietnam and a B-52 raid over South Vietnam. His article, fifty-eight pages long, appeared in the November issue of *Flying*. In December a publisher asked Harvey to expand it to book length (he put back material *Flying* had cut, emphasized material the Pentagon had suggested to de-emphasize) and in July *Air War: Vietnam* was published in a silence which has persisted. This is unfortunate, since the book is the most complete record so far of what our airmen are actually doing to the people of Vietnam; it is extremely revealing, if at times reluctantly so, precisely because of those qualities that made Harvey so acceptable to the Air Force in the first place.

At the outset Harvey intended to do no more than record, as clearly as possible, every aspect of the air war that he had experienced. From the carrier *Constellation* in the South China Sea he wrote Muhlfeld: "I am leaving the political situation strictly alone. My assignment is to tell about the air war—not the reasons for it. And I certainly won't leave until we have spent some time in combat. To leave before that would be to miss the very heart of the excitement."

The very heart of the excitement! It is interesting to compare this with the celebrated opening paragraph of Mary McCarthy's *Vietnam*. "I confess that when I went to Vietnam I was looking for material damaging to the American interest and that I found it, though often by accident or in the process of being briefed by an official." In Harvey's case he decidedly was not looking for damaging material, but, as Miss McCarthy did, he found it, and often in the same way. It is to his credit as a reporter that he put it down, often, it seems, against his will. In a curiously effective way his unwillingness to face the moral implications of what he saw makes Harvey's look at time more shocking even than Mary McCarthy's book. It also makes one wish Miss McCarthy had been able to see a fragment of what Harvey was encouraged to see.

It did not occur to him then that if one is simply recording facts one can also be making a statement, and he was stunned when peace groups and publications began quoting chunks of prose from his article. He was called down to the Pentagon to account for some of the things he had written, and, although he knew that he had reported the truth, he was stricken with feelings of remorse for having let his country down.

The tone of the book is set on the second page:

"Dixie Station had a reason. It was simple. A pilot going into combat for the first time is a bit like a swimmer about to dive into an icy lake. He likes to get his big toe wet and then wade around a little before leaping off the high board into the numbing depths. So it was fortunate that young pilots could get their first taste of combat under the direction of a forward air controller over a flat country in bright sunshine where nobody was shooting back with high-powered ackack. He learns how it feels to drop bombs on human beings and watch huts go up in a boil of orange flame when his aluminum napalm tanks tumble into them. He gets hardened to pressing the fire button and cutting people down like little cloth dummies, as they sprint frantically under him. He gets his sword bloodied for the rougher things to come."

This passage, in Harvey's notes, was originally written as a straight description of the young pilot's "blooding" process. He showed me these notes when I interviewed him before writing this review. The ironic "So it was fortunate" was added later. The paragraph was originally intended to shock, but not in the way it finally does. It was meant to alert the reader to the fact that this was a professional war and that, in a war, the pros learn how to press the firing button. But it is the image of helpless people sprinting frantically beneath the pilot that finally impresses us.

Sartre has written that the ultimate evil is the ability to make abstract that which is concrete. The military have developed this into a habitual approach. Harvey's sin against the military code is not only his stubborn inability to make inhuman that which is human, not just to see targets as people and people as victims, but to feel for them as well. "There was nothing profound about it," Harvey told me. "I just peeked under one blanket too many and saw one too many broken bodies under it. Nothing we were doing was worth this."

While *Air War: Vietnam* is revealing in this fashion, its greater interest lies in its hard factual information. I felt, for example, that I was more than moderately well informed about the actions being taken in Vietnam in our name. I confess I was shaken by how little I knew about the air war, which plays an increasingly major role in the military effort there.

Harvey begins his book with his trip to Saigon, and a visit to the Mekong Delta for a defoliation bombing run that was a part of "Operation Ranch Hand." The motto of defoliating crews was: ONLY YOU CAN PREVENT FORESTS. At this point, Harvey's book seems to be describing brave men doing a nasty but needed job. But the tone soon begins to change; and what begins to disturb Harvey, violating an inbred American sense of fair play, is the terrible one-sidedness of things. If a peasant whose livelihood is being poisoned has the temerity to get a rifle and take a shot at the defoliation plane, the consequences of his rash act will prove to be catastrophic. The accepted procedure at this moment is for a crew member to throw out a smoke grenade in the direction from which he thinks the shot came; within minutes and sometimes seconds an aircraft the size of a Martin B-57 Canberra bomber, "riding shotgun" in the region, will explode onto the scene and saturate the area around the smoke with a fire power no American soldier has ever experienced. It struck Harvey as an excessive application of force. He had not yet reached the point of asking about the innocent people in the area who might be taking the full brunt of it.

"Well, it is a little exaggerated," a flier told him. "We're applying an $18,000,000 solution to a $2 problem. But, still, one of the little mothers was firing at us."

Here the peculiar psychology of the American military emerges as something that seems unique in modern warfare. The American soldier has become accustomed to such an overwhelming preponderance of fire power to back him up, especially air power (Harvey estimates it at about 1000 to 1), that he has come to think of it as his right, as an inherent property of being American, as the natural balance of life itself. If the enemy attempts to redress the balance the reaction is often one of shocked surprise: "Why the little sons-of-bitches!" and sometimes absurdly violent. Negroes, in the South have an understanding of this kind of reaction, *Flying* chose two adjectives to describe the nature of the air war: vicious and savage. Both are accurate.

The justification for this behavior, which Harvey himself finds it hard to dispute, lies in the words "saving American lives." Any action can be condoned, any excess tolerated, any injustice justified, if it can be made to fit this formula. The excessive valuation placed on American life, over *any* other life, accounts for the weapons and tactics we feel entitled to use on the people of South Vietnam and, increasingly now, North Vietnam.

The key to the air war in South Vietnam is the Forward Air Controllers. The FACs are, as Harvey terms them, "the death-bringers." They hover over the roads and river banks and paddies of the south in little Cessna O-1E Bird Dog spotter planes and act as all-seeing eyes looking for signs of suspicious behavior in the area below, ready to summon down explosive judgment when they do. "They cruise around over the Delta like a vigilante posse, holding the power of life or death over Vietnamese villagers living beneath their daily patrols."

When a FAC thinks he has a target he is entitled to call down the appropriate craft armed with the appropriate weapons to eliminate it. What alarms Harvey is the routine, often casual, manner, based on the scantiest evidence, in which some FACs felt themselves authorized to issue death sentences, using a variety of weapons that kill indiscriminately. Harvey, of course, knew that napalm was in use and was aware of its role in the war:

"The FAC's list of fireworks is long and deadly. Napalm, or jellied gasoline, comes in aluminum tanks with fuses of white phosphorus. When it hits and ignites, the burning napalm splatters around the area, consuming everything burnable that it strikes. Napalm is considered particularly useful for destroying heavily-dug-in gun emplacements since it deluges a large area with rolling fire, and rushes, burning, down into narrow openings. You might spend a long time and a lot of high-powered bombs trying to get a direct hit on a gun pit that, if you were using napalm, you could wipe out in one pass. Napalm also is said to be effective against troops hiding in caves and tunnels since it suddenly pulls all the oxygen out of the tunnel by its enormous gulp of combustion, and suffocating anyone inside."

The description, however, leaves one with the impression that Incinderjell, as the military now refer to it, is used mainly against military installations. Harvey was appalled to find it being used "routinely" against such "targets" as hooch lines (rows of houses along a road or canal) in suspect areas, on individual houses, and even in rice paddies since the new, improved Incinderjell burns in water. The margin for error in such use is very large but that is the price our army must pay to save American lives. Before the general use of napalm the Vietnamese, like the Algerians, "were learning to live with their war" by digging little bomb shelters under the floors of their houses. With napalm, which can flood or trickle down into the holes, a sanctuary is converted into a family incinerator.

Strangely, however, few people appear to know about other devices equally vicious and even more generally in use:

"But the deadliest weapon of all, at least against personnel, were CBUs—cluster bomb units. One type of CBU consisted of a long canister filled with metal balls about the size of softballs. Inside each metal ball were numbers of smaller metal balls or 'bomblets.' The CBUs were expelled over the target by compressed air. The little bomblets covered a wide swathe in a closely spaced pattern. They look like sparklers going off and were lethal to anybody within their range. Some types were fitted with delayed action fuses and went off later when people have come out thinking the area was safe. If a pilot used CBUs properly he could lawnmower for considerable distances, killing anybody on a path several hundred feet wide and many yards long."

The important phrase in this description is "delayed action fuse": Some clusters can be timed to go off hours and even days after being dropped, so that while the suspect, the cause of the bombing, may be miles away, others who have not left the area, such as children who may be playing there, end up as the victims. It is hard to imagine a military man being able to justify such conduct, although none to my knowledge has been asked to do so. One kind of fragmentation (antipersonnel) bomb, the BLU-36B, called "guava" bomb because it looks like the fruit, is an improvement. For guava clusters dumped from one fighter-bomber in one pass over a village can shred an area a mile long and a quarter of a mile wide with more than one million balls or fragments of steel.

CBUS have created a need for drastic new surgical techniques. Because there is neither time nor facilities for X-rays, a CBU victim, if hit in the stomach, is simply slit from the top of the stomach to the bottom and the contents of the stomach emptied out on a table and fingered through for "frags" as a dog is worked over for ticks. When the sorting is done the entrails are replaced and the stomach sewed back up like a football. This "football scar" has become the true badge of misery in South Vietnam. Harvey has photographs of the process, but they are not in the book: they are unbearable to look at.

There are two tactical applications for these weapons authorized by the Air Force. The first is called "Recon by smoke." If a FAC or the commander of a "Huey Hog" helicopter (a word on these in a moment) finds nothing overtly suspicious, he is entitled to stir up some action by dropping smoke grenades in places where he suspects something might be going on. If people run from the smoke and explosion, the pilot is then entitled to assume he has flushed Charlie and to call in any means of destruction at his disposal. As one FAC explained to Harvey, why would they run if they didn't have guilty consciences?

The second approved tactic is more vicious. It is called "Recon by fire." Under this policy, a FAC, failing to find a positive sign of suspicious activity, is authorized to call in a fighter bomber to cruise down on a hooch line or canal and, at a moment the FAC deems ripe, to drop a canister of CBU. Since the bombs, exploding one after another, move toward the potential victims at the speed of the jet, the effect is called "rolling thunder," and is said to be terrifying. Once again, if the people on the ground take evasive action, the FAC is entitled to assume he has caught out VC. Different evasions call for different measures. If people rush into the houses, the most effective tactical measure is to "barbecue" them with a bath of napalm. If they go out into the paddies, the most effective action is to "hose" them down with fire from miniguns mounted on Huey Hog helicopters. The minigun is a rotating, multibarreled machine gun capable of firing 6,000 rounds of 7.62mm (.30 caliber) ammunition in one minute. If the minifire is sustained on a person in a paddy he will be shredded and will actually disintegrate.

The Huey Hog has become increasingly important in South Vietnam. The Hog is a converted transport helicopter which has been remade into a floating firing platform with the fire power of a World War II infantry battalion crammed aboard. Harvey calls it the most vicious single weapon in use, mainly because of its ability to hover over a target.

One would think, or hope, that a weapon with such a large potential for destruction would be used with extreme care, but Harvey was surprised at the freedom each chopper commander enjoyed for individual action. Many Hueys are engaged in rough and ready reconnaissance, free-lance search and destroy missions, and small-scale hedge-hopping operations which are aimed at surprise. Harvey's description of some of the men holding and using this power is revealing:

"The American Huey troops at Vinh Long are without doubt the most savage guys I met in Vietnam (and the jolliest!). I was impressed by them. But they scared me. They didn't hurl impersonal thunderbolts from the heights in supersonic jets. They came muttering down to the paddies and hootch lines, fired at close range and saw their opponents disintegrate to bloody rags 40 feet away. They took hits through their plastic windshields and through their rotor blades. They wore

flak vests and after a fire fight was won they landed on the battlefield, got out, and counted their vc dead. Each man had his own personal sidearm he carried along for mopping up. A Swedish K automatic pistol seemed to be the favorite.

"Capt. George O'Grady wears a steel helmet modeled after the old Roman battle helmets. His door gunners were enlisted people and as savage as the drivers. I saw a door gunner who affected deerskin gloves with long gauntlets. One man I met had been mustered out and had gone home to civilian work. He couldn't stand it at home. He reenlisted and went back for another tour."

One night Harvey's Huey made a pass over the edge of a suspect village. "We emptied a full load of ammo out on the silent darkness and went back to Vinh Long; no one will ever know if we hit anything but we did a lot of shooting." On another afternoon, when Harvey asked a chopper pilot how he did, the man answered in disgust: "Wash out. Got me two VC water buffalo and a pregnant woman."

The reason Harvey finds the chopper crews the "jolliest" is that at least they know whom they are killing. The worst crimes being committed against the people of South Vietnam, however, are being committed by one of the least, criticized of all our weapons, the B-52 bombers, once the backbone of General Curtis LeMay's SAC, the key to Dulles' "massive retaliation" policy. Designed to deliver the H-bomb to the Soviet Union, they have this role in Vietnam:

"The B-52 crews are old pros. They took on the mission of defending the United States when they could, at any moment, have been ordered to fly deep into Russia against deadly defense of missiles and fighters—a mission from which many of them would not have returned. Now they have a quite different set of orders. To blast or burn large areas of jungle (also, roads, buildings and fields) containing living things, animals and men, some innocent and unaware, without warning. It's not a mission of their choosing. It's just the way the ball happened to bounce. But one can't help but wonder what a man thinks about, after he'd set fire to 50 square miles of jungle from high altitude with a rain of fire bombs, and wakes up in his room in the darkness—and lies awake watching the shadows on the ceiling. . . ."

Nothing will live in those fifty square miles. Even a turtle burrowed in the mud at the back of a cave will become only an ash. Used in this fashion the B-52 comes perilously close to a weapon of genocide. According to Harvey and other reporters, our B-52 operations, using 3,000-pound bombs ("instant swimming pool makers" the pilots say) have done as much to create the 2,500,000 to 3,000,000 refugees in South Vietnam as any other American action.

What do these men feel about what they are doing? Their professionalism protects them, Harvey believes, as well as their ability to make abstract the results of their work. Harvey tried to invite a group of B-52 pilots to visit a hospital at Can Tho where the overwhelming majority of patients were women and children with fire and bomb wounds, but they wouldn't go inside. They insisted, in fact, that they almost never hit anyone. When Harvey offered to show them quite a few they did hit, one of them finally said: "Yeah, but we patch 'em up, don't we?" It even made the pilots laugh.

The protection, then, is not to see. One of the most pathetic American statements to come from the war was made by John McCain, 3rd, son and grandson of full admirals, after surviving the *Forrestal* holocaust. "It's a difficult thing to say. But now that I've seen what the bombs and napalm did to the people on our ship, I'm not so sure I want to drop any more of that stuff on North Vietnam." But he was a professional and was shot down doing it several months later.

Harvey's book probably will not open any flier's eyes but it can help to reopen the eyes of Americans who have become somewhat jaded with reports of search-and-destroy missions and the "pacification" of the village of Ben Suc. Although Harvey didn't intend it this way, *Air War: Vietnam* provides new factual ammunition for those who wish to shift the debate about the war from argument about American political and military strategy, an argument that has become repetitive and frozen, to the question whether American actions are morally defensible on any grounds whatever.

There is a legacy of Western thought, rather innocent but still a potent political force, that there are some things that just cannot be done, some actions that cannot be taken, in the name of military expediency. Notwithstanding the complexities of our involvements in Vietnam, this moral argument is a quite simple one. One does not pour flaming jellied gasoline on the heads of women and children merely because there may be an enemy in the house or at least in the house next to it. One does not drop antipersonnel fragmentation bombs on undefended villages in the hope of scaring out soldiers, when there is certainty of mutilating people.

There is a moral logic here: if this is the kind of action the government chooses to take, then not only should one withhold support of that action but it becomes one's duty to resist efforts by the government to make one help fight such a war—something a good many people, especially the young, have chosen to do. However, while this argument is effective in shoring up the courage of individuals, it seems to me one that could have a far more powerful *political* effect than it yet has had. Proponents of the President's policy should not be allowed to hide behind the question of our involvement in Vietnam, for which a case can be made, but should be forced to defend our conduct there, which, on examination, becomes indefensible. For this purpose, facts are necessary; some of these facts are to be found in Harvey's books. More are needed.

A second legacy that most of us share, though it lies dormant in us, is the belief that men somehow are still held accountable for their deeds. It is the thought, after all, which informed Nuremberg. Generals don't make policy (usually), but they formulate and approve military conduct. Sooner or later the military people who have authorized and condoned such tactics as "Recon by fire" should be made to account for these acts before the American people. It is inexcusable that men such as Westmoreland have been able to appear on television programs and at news conferences and have not been forced to account for the kind of tactics and weapons being used on the people of both Vietnams. Simply asking the question, spelling out the terms, would have value. It should prove interesting to hear, especially in the face of a persistent questioner, the defense of cluster-bombing a row of houses in the hope of finding a suspect. Until now one of the reasons for the absence of such questions has been a lack of hard information about just exactly what it is we *are* doing.

I don't mean to suggest that such information as is documented in this book is going to cause an immediate sense of moral outrage throughout the U.S. It will not. But if there is hope for this country, it must be that when information of the kind contained in *Air War: Vietnam* is more thoroughly known and understood (although Harvey has made it plain this was not his purpose in writing this book), an increasing number of people will find unacceptable both our presence in Vietnam and the political candidates who support that presence.

LIVING WILDERNESS ARTICLE BRINGS ATTENTION TO UNIQUENESS OF THE BIG THICKET IN SOUTHEAST TEXAS

Mr. YARBOROUGH. Mr. President, the autumn 1967 issue of the Living Wilderness magazine, published by the Wilderness Society here in Washington, contains a most interesting article, written by Pete A. Gunter, on the Big Thicket in Texas.

This article accurately captures both the values of the Big Thicket and the dangers that threaten its very existence unless something is done to create a national park out of the area, as I have called for in my bill S. 4.

Mr. Gunter's article should be read by all who are interested in preserving a precious patch and one of the choicest wild gardens of the vanishing flora and fauna of the United States.

To illustrate the need for action and the worthiness of this area as a national park, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BIG THICKET

(By Pete A. Gunter)

It is not known who first encountered the Big Thicket. Spanish padres visiting missions around Nacogdoches, Texas, recorded that between the missions and the sea there was a forest so thick that it could not be travelled afoot, and that Indians journeying there went by canoe, since there were no trails by land. The padres' reports, however, were exaggerated. Animal paths and hunting trails had long penetrated the dense woods, though Indians venturing into the wilderness for abundant game from as far away as Colorado and New Mexico neither remained long nor ventured far from, travelled paths.

The first American settlers, coming to Texas for Spanish land grants, found their way blocked time and again by the dense undergrowth. Frustrated, forced to turn back, they concluded they had discovered an immense thicket, stretching endlessly south and west. In their subsequent accounts of their misadventures, therefore, they referred to the area as The Big Thicket. Early pioneers avoided the Big Thicket, travelling south to its northern border and following the old Nacogdoches-San Antonio trail westward to more open country.

Like the Spanish padres before them, however, the pioneers exaggerated. The Big Thicket was never a single, massive jungle. Impenetrable thickets, it is true, followed the banks of innumerable streams. But between the streams and above the lower, marshy ground were sandy hill slopes grown in longleaf pine. Pine needles and branches covered the ground there in a thick layer, and pine root systems so interlaced the soil that no other woody growth could survive. Further north were open beech forests, still easier to traverse. The Big Thicket was, therefore, a highly diverse area. It was not one thicket, but many.

In spite of its reputation the Thicket began gradually to be cleared and farmed. In the years before Texas' war of independence settlers came in numbers. The wilderness, however, gave way only grudgingly to axe, fire, and blasting powder. The early pioneers worked for days to fell one tree and weeks to blow out stumps and burn logs, where today a power saw can fell a thousand-year-old magnolia in a matter of minutes. Between new fields of cotton, broad stretches of wilderness remained, always ready to reconquer what had been won from it. Indians still frequented its depths, and the troops

of Sam Houston had plans to hide there should they fail to defeat the Mexican Army. In the decades to come the Thicket became a refuge for all those who fled civilization. Within its confines, in the words of one chronicler: ". . . whole nations of aborigines, renegade whites, and run-away blacks were said to exist."

Travellers there proceeded with caution, and tales of murder and mysterious disappearance were common.

Though the area's settlers had come from southern States, few owned slaves, and most, like their spokesman, Sam Houston, objected to the Confederacy. When war came many hid out in the Big Thicket to avoid serving in the Confederate armies. They were followed by southern soldiers determined to drive them out of hiding, with the result that throughout the Civil War deserters and Confederate troops skirmished around obscure backwoods retreats: Panther's Den, Deserter's Island, the Blue Hole, Doc Trull Hammock.

Two monuments to this little-known struggle still exist. One is the hamlet of Honey Island, named after the honey which deserters exchanged for gunpowder and tobacco. The other is the Keyser Burn-Out, named after Jim Keyser, a Confederate conscription officer.

Over and over, Keyser sent troops combing the woods for "Jayhawks," as the deserters were called. But the latter were wily and knew the Thicket better than the soldiers, and few were caught.

Keyser, however, was not to be put down. With the help of a legendary deceitful woman, he discovered the Jayhawks' camp and started a forest fire that roared down on them. The Jayhawks escaped, but the fire so scorched the earth that for over sixty years nothing would grow there. Finally, around 1930, a lumber company planted it in rows of pine. Today, Keyser's Burn-Out looks like a neatly manicured park. But between pine trunks blackened, burnt-over grass roots are still visible.

The Big Thicket defies precise location. To those who live there it is always "off younder," "down the road a ways," or in the "next county," while botanists and ecologists are by no means agreed as to what distinguishes the area from surrounding woods. Early references describe the Thickets as all of Texas east of the Brazos River. Later estimates include all of Texas east of the Trinity River.

This massive area continually shrank under the pressures of agriculture and lumbering until in 1952 *The Handbook of Texas* could confine the Big Thicket to only two counties (Polk and Hardin) with small parts of other counties (Tyler, Jasper, Newton, Sabine, San Augustine, Angelina, Trinity, Montgomery, and Liberty) suggested for inclusion. Precisely how much land should be definitely included in or excluded from the Big Thicket is a matter for theoreticians and for, I suspect, endless dispute. But there can be no question that its remaining hundreds of square miles are being rapidly reduced, and that the Thicket will cease to exist unless steps are taken to ensure its survival.

The most striking feature of the Big Thicket is its reservoir of plant life. Just as the Big Thicket's location makes it a meeting point of east and west, so its fifty to sixty-inch annual rainfall and Gulf climate make it a meeting point of temperate and subtropical vegetation. Giant palmetto palms and wild orchids flourish beside sluggish bayous, while on sandy hill slopes mesquite, cactus, Spanish bayonet, and even tumbleweed, grow. Within its boundaries flourish not only most of the plant species found in the southeastern States—including sweet gum, magnolia., tupelo, and baldcypress—but much typically western vegetation as well. Lance Rosier, the area's official, self-taught naturalist, claims that the only species of western plant not found somewhere in the area is sagebrush, which he has tried repeatedly but unsuccessfully to grow.

Of the United States' five species of insect-eating plants, four—bladderwort, sundew, pitcher plant, and bog violet—are found in the Thicket. Despite the recording of thousands of plant specimens, zoologists estimate that at least a thousand species of algae and fungi alone remain to be classified. At least twenty-five species of ferns, twenty-one species of orchids, as well as hundreds of varieties of wild flowers grow there. The size of the plants which grow in the area is as surprising as their variety. In or very near the Big Thicket are the world's largest holly tree, the world's largest eastern red cedar, redbay, common sweetleaf, youpon, Chinese tallow, two-wing silverbell, black hickory, and planertree. Recently the world's tallest cypress tree was discovered near Liberty. I am told that an even larger cypress tree exists back in a little-frequented swamp. No one has measured it, however; the overflow from oil wells killed it a decade or more ago.

Because of its immensely varied plant life the Big Thicket has drawn botanists, zoologists, ecologists, environmentalists, taxonomists from every leading American university, including many who specialize in the medicinal uses of plants. Recent studies in the area include the search for plants that may be useful in treating diabetes, cancer, and heart disease. William O. Douglas points out in his recent book, *Farewell to Texas*, that plants found in the Big Thicket may differ so markedly from relatives found elsewhere as to constitute new and distinct species. For reasons that are not now clearly understood the Thicket is a "region of critical speciation," where new species are being formed as old are being submerged—a fact that can only add to its scientific interest.

The Thicket's animal life is as interestingly diverse as its plants. Though bear and panther are now nearly extinct, both are occasionally seen there. Less than ten years ago a full-grown (five hundred and twenty-eight pound) bear wandered into Livingston, Texas. Having recovered from their shock, the townspeople proceeded to kill and barbecue the hapless animal, amid general hilarity. I have it, on the authority of friends who attended, that bear meat makes good, if slightly "gamey," barbecue. But this was one of the last bears in the Big Thicket; it should have been saved.

Unfortunately, it is easier to talk about game conservation in the Big Thicket than it is to produce tangible results. Those who live there consider game a common public possession, and it will take long to convince them that hunting should be limited to prescribed seasons. Game laws were never enforced in the Thicket until 1964. Today, and for some years to come, to be a game warden in the area is to have a dangerous, and highly unpopular, job.

Although the unlimited hunting which has decimated bear and panther has also greatly reduced other animal species, many continue to survive. Alligators exist in the Big Thicket, along with four varieties of poisonous snakes, including the brilliantly colored coral snake. Lynx and wildcat are plentiful. Jaguars and ocelots, native to Mexico, are occasionally reported. Local hunters regularly trap timber wolves, as well as red and grey fox, mink, otter, muskrat, beaver, and nutria. The deep woods provide forage and cover for a crop of white-tailed deer. All of the small game typical of southern backwoods are present in profusion: racoon, opossum, grey squirrel, fox squirrel, flying squirrel, armadillo, skunk, civet cat, cottontail, swamp rabbit, and many others. To everyone's amazement, a colony of squirrel monkeys was found living in the area in the fall of 1966. It is anyone's guess how they got there.

At least two bird species threatened with extinction frequent the Big Thicket. Whooping crane, one flock of which remains in existence, congregate in the area on their annual migration flights. Ivory-billed woodpeckers, once thought to be extinct, have recently been sighted, though those who know the nesting areas of the large gaudily plumed birds refuse to give their location for fear of local marksmen. Each pair of ivory-billed woodpeckers requires many square miles of virgin wilderness in order to survive. To destroy wilderness conditions would be to totally extinguish the species.

Besides these two illustrious and threatened species the Big Thicket contains a broad range of bird life. Park's and Cory's *Biological Survey of the East Texas Big Ticket Area* (1938)—the only systematic attempt to catalogue the region's plant and animal life—points out that the Thicket is one of the great gathering places on the Gulf coast for migratory birds. Taking into account both temporary and permanent residents, the area contains seven species of woodpeckers, four species of owls, three species of hawks, as well as innumerable water birds: little blue heron, black-crowned night heron, yellow-crowned night heron, roseate spoonbill, snowy egret, wood duck, American egret, green heron, water turkey, and kingfisher. The list of smaller birds is still longer.

To have catalogued the Big Thicket's history, its location, its plant and animal life, is still not to have expressed its fascination or its beauty. There are woodlands so primeval that airplanes flying overhead cannot be seen and are scarcely heard in the dense growth. There are open trails through graceful beach forests, along tree-bordered meadows. There are swamps where turtles sun on mossy logs, beavers gnaw swamp oak sapling, and alligators submerge suddenly in murky water. There are pioneer cabins and farms cleared by hand out of the deep woods. And over it all—over the thickets, pine barrens, marshes, prairies, baygalls, piney woods, and remote cabins—there is the rare, deep sound of silence.

An area of such diverse natural wealth and beauty should be preserved. Whether this will prove possible is debtable. A present-day visitor to the Big Thicket will see much that is primitive and beautiful. But he will also see damage wrought by pipelines, new roads, destructive lumbering practices, and oil drilling. Still worse, he will find the sudden mushrooming of vacation and retirement subdivisions: Big Thicket Estates, Vacation Acres, Wild Country Estates with its adjoining Wild Country Bar-B-Que, Wild Country Filling Station, and Wild Country Grocery, to the accompaniment of billboards and fluttering plastic flags.

A closer examination will reveal still uglier scars. In recent years lumber companies have used airplanes to spray and kill hardwood forests to make room for pine. Not only does this result in the destruction of cypress, tupelo, and oak: in the process untold numbers of animals and birds may be killed. Recently Lance Rosier reported that an entire rookery, containing hundreds of herons, egrets, spoonbills and their young, were extinguished in one spraying.

Rosier and other members of the Big Thicket Association believe that these and similar incidents are the work of interests who wish to make the area unfit for inclusion in the national park system. A case in point is a huge magnolia tree, estimated to be a thousand years old, which in 1965 was alive and thriving. In 1966 it was dead, drilled in four places and poisoned with arsenate of lead. In his forthcoming book, *The Big Thicket Story*, Dempsie Henly (president of the Big Thicket Association) records the reactions of William O. Douglas to the new "push roads" and the suddenly accelerated pace of lumbering in the Big Thicket:

"The Justice noticed, as had Senator Yarborough and the group from the Department of the Interior, that just about every single magnolia tree within sight of the push road had been cut, and many were still lying on

the ground where they had fallen! The Justice observed that it was a naive but obviously a ruthless attempt to deface the beauty of the Big Thicket. He asked . . . was there such a special demand for magnolia lumber that would justify the massive cutting of this famous tree?"

The answer is that there is no such demand, and that, worse, much of the lumber felled was in the public right-of-way, which no lumber company—however powerful—has a right to cut.

While past attempts to preserve wilderness areas of the Big Thicket have been notably unsuccessful, recent efforts of the Big Thicket Association and other conservationist groups have begun to bear fruit. In October 1966, Senator Yarborough of Texas introduced Senate Bill 3929 to establish a Big Thicket National Park of 75,000 acres. In June, 1967, the National Park Service made a further, unofficial recommendation that widely dispersed areas be preserved in a Big Thicket National Monument containing 35,000 acres. Conservationists and their opponents now have the priceless luxury of debating two very different plans of action.

The National Park Service's report tentatively suggests the purchase of the following nine areas:

	Acres
1. Big Thicket Profile Unit	18,180
2. Beech Creek Unit	6,100
3. Neches Bottom Unit	3,040
4. Tanner Bayou Unit	4,800
5. Hickory Creek Savannah	220
6. Beaumont Unit	1,700
7. Little Cyprus Creek Unit	860
8. Loblolly Unit	550
9. Clear Fork Bog	50
Total	35,500

Each of these units contains some unique feature. (For example, Loblolly Unit contains Texas' last virgin pine forest, Hickory Creek Savannah, an unusual variety of insectivorous plants, the Beaumont Unit, a primitive cypress swamp.) The units are to be bound together by a system of carefully designed scenic roads, with footpaths for hikers and naturalists.

It is no longer possible to find contiguous areas of five thousand or more entirely untouched acres in the Big Thicket. This, and the possibility that intransigent lumber companies may be more willing to accept a "String of Pearls" National Monument composed of smaller wilderness areas strung together with scenic roads than a far-flung National Park, argue in favor of the Park Service's recommendation. Conversely, many areas that should be protected remain, in this writer's opinion, outside of the Park Service's original proposal, while 35,000 acres seem a pitiful remainder, considering the area's original extent.

In any case, action must be taken quickly. The Beech Creek unit has already been levelled by one lumber company, fully aware of what it was doing, while another company hopes to bulldoze the Loblolly Unit to make room for pulp timber.

As one lumber executive recently snapped: "The Big Thicket? In four years there won't be any Big Thicket!" Only concerted effort can prove him wrong.

(NOTE.—Dr. Gunter's family came to Texas from Georgia around 1850. Born in Hammond, Indiana, he was reared in Houston, Texas. He received B.A. degrees from the University of Texas and from Cambridge University. He received a Ph.D. in philosophy from Yale University and has taught philosophy at Auburn University in Alabama, and, since 1965, at the University of Tennessee.)

DAIRY IMPORTS ADVERSE IMPACT ON BALANCE OF TRADE

Mr. PROXMIRE. Mr. President, on March 1, the National Milk Producers Federation, in a letter to the chairman of the House Committee on Ways and Means, set forth facts and figures regarding the adverse impact dairy imports were having on our balance of payments.

The dollar drain represented by these imports rose to a high of $73,702,697 and has now been reduced, thanks to a Presidential proclamation in June of last year, to an estimated $36,796,255 for 1968. Compare these figures with the estimate that reducing the tourist exemption to $10 would cut the dollar outflow by $50 million, and we will get some idea of the significance of the amounts under discussion.

Obviously, it would be virtually impossible and quite likely unwise to choke off completely all dairy imports, although the authority presently exists to do exactly that under section 22 of the Agricultural Adjustment Act. However, this dollar drain could be reduced substantially by the enactment of my dairy import control bill, cosponsored by 58 Senators, which would cut back imports to the 1961–65 levels.

So that Senators may get some idea of the magnitude of the problem in terms of our balance of payments, I ask unanimous consent that the Natonal Milk Producers Federation letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., March 1, 1968.

Hon. WILBUR D. MILLS,
Chairman, Ways and Means Committee, House of Representatives, U.S. Congress, Washington, D.C.

DEAR MR. MILLS: We shall greatly appreciate it if you will place in the record of the hearings on legislation relating to balance of payments the following statement of the National Milk Producers Federation.

We do not profess to be informed on the major issues of the balance of payments problem, and we shall not burden the record on matters outside our field; although, along with many other American citizens, we are deeply concerned about the situation in which the United States now finds itself.

We would like to call to the attention of the Committee one hole in the total sieve through which American dollars are steadily draining away. This may be a relatively small hole in terms of total dollar balances; but it is at least one hole which could be plugged easily, and one which, if not plugged, will be a continuing unnecessary drain.

We have in mind imports of dairy products which are not needed and which serve only to add to our own surplus supplies. These imports not only drain dollars out of this country needlessly, but they also burden the price support program with added and unnecessary costs. This affects the budget deficit adversely and adds to the total burden of the American taxpayer.

It is estimated that the dollar drain for these imports for the year 1966 was $70,466,863, and for 1967 $737,702,697.

The dollar drain for 1968 and subsequent years, based on current import controls as revised July 1, 1967, is estimated at $36,796,255 per year.

These amounts are significant when compared with estimated reductions of the dollar drain to be achieved through other means under consideration by the Committee. For example, reducing the tourist exemption to $10 is estimated in the Committee print of February 5, 1968, to cut back foreign acquisitions by $50 million. Foreign expenditure under the proposal to eliminate the gift exemption would be curtailed by $28 million.

Controlling imports of unneeded dairy products, which not only are not beneficial but actually are harmful to our agricultural economy and our domestic agricultural programs, would produce results which are substantial compared to the above proposals.

Dairy imports were particularly heavy in 1966 and were increasing rapidly in the first half of 1967. Partial controls were applied July 1, 1967, but only after much damage had already been done. The controls were too little and too late, and they still leave an unnecessary drain on our dollar balances and an unnecessary burden on our price support program.

Other countries for many years controlled their imports to conserve their balance of payments position. They should not object to our doing the same under the conditions in which we now find ourselves.

The figures given in the first part of the attached Table A are taken from statistics of the Department of Commerce and are foreign value, excluding ocean transportation and U.S. duties. The figures are conservative and actually represent a dollar drain greater than the amount shown because shipping charges would result in a substantial additional outflow of U.S. dollars.

All of the products listed are items which are and can be produced in the United States. In practically all cases, they displace an outlet for domestically produced milk and butterfat, thus forcing domestic production into the support program at added and unnecessary cost to the Government.

Imports of Roquefort cheese, and other sheeps milk cheeses, are not included in these figures, because we do not make sheeps milk cheeses in this country.

To the figures obtained from the Department of Commerce are added imports of 105,626,000 pounds of butterfat-sugar mixtures imported in 1966, and 100,548,000 pounds imported in 1967. We do not have the dollar value of these imports, but we believe a reasonable estimate of the average foreign value would be 23 to 26 cents per pound. This would indicate a dollar drain for this item of approximately $26,406,500 for 1966 and $25,137,000 for 1967.

Imports of butteroil of about 1,200,000 pounds are estimated to have caused a dollar drain on this country of $600,000, assuming a foreign value estimated at 50 cents per pound.

Imports of chocolate crumb rose from 54,000 pounds in 1960 to 10,400,000 pounds in 1967. This is a mixture containing about 15 percent chocolate liquor, 55 percent sugar, and 30 percent whole milk powder. While we need the imports of chocolate, we do not need the imports of sugar or whole milk powder.

The volume of some of the imports listed are controlled by quotas. Some of these quotas were enlarged, and some new ones were imposed, last July 1. The major actions taken last July would hold frozen fresh cream imports to 1.5 million gallons, up slightly from the volume of 1966 and 1967 imports. The cheddar cheese quota was increased from 2,780,100 pounds to 10,037,500 pounds. Imports of Colby cheese were cut back sharply from 55,312,000 pounds imported in 1967 to a quota of 6,096,600 pounds per year. Butterfat-sugar mixtures also were sharply cut back from 100,548,000 pounds imported in 1967 to a quota of 2,580,000 pounds per year.

However, even under the current quotas, the dollar drain for unneeded dairy imports is estimated at $36,796,255 per year as shown in the attached Table B.

In addition to draining dollars out of this country, these unneeded imports further added to our surplus problem and put heavy additional and unnecessary costs on our domestic price support program.

It is estimated that the added cost to the support program from these unneeded imports was $29,244,400 in 1966 and $131,177,198 in 1967.

The level of imports permitted under the present quotas is expected to put an unnecessary burden on the support program for 1968 estimated at $48,400,000. This will be a continuing and annually recurring burden as long as our own supplies are adequate and the imports are not needed.

Exports of dairy products from foreign countries to the United States have been heavily subsidized by the foreign countries. It is not at all an unusual circumstance for the amount of the subsidy to be more than twice as great as the selling price.

Although this condition has existed for several years, neither the Department of Agriculture nor the Treasury Department has taken effective action to control it.

Sincerely,

E. M. NORTON,
Secretary, National Milk Producers Federation.

TABLE A.—OUTWARD FLOW OF U.S. DOLLARS FOR UNNEEDED DAIRY IMPORTS, 1966 AND 1967

	1966	1967
Milk and cream in all categories	$4,092,799	$4,010,135
Butter	365,150	377,305
Blue-mold cheese	2,620,439	2,544,794
Cheddar cheese	1,530,423	1,877,383
Edam and Gouda cheese	4,990,450	5,599,181
Italian type cheese, cows milk	5,194,563	5,236,991
Swiss cheese	7,988,107	7,928,715
Gruyere cheese	4,108,394	4,145,728
Colby cheese	12,570,038	16,245,465
Subtotal	[1] 43,460,363	[1] 47,965,697
Butterfat-sugar mixtures (estimated)	26,406,500	25,137,000
Butteroil (estimated)	600,000	600,000
Total	70,466,863	73,702,697

[1] Source: Bureau of the Census, Department of Commerce

TABLE B.—*Outward flow of U.S. dollars for unneeded dairy imports, estimated for 1968*

Product:	
Milk and cream in all categories	[1] $4,010,135
Butter	[2] 377,287
Blue-mold cheese	[2] 2,666,033
Cheddar cheese	[2] 3,794,175
Edam and Gouda cheese [3]	[1] 5,599,181
Italian-type cheese, cows milk [3]	[1] 5,236,991
Swiss cheese	[1] 7,928,715
Gruyere cheese	[1] 4,145,728
Colby	[2] 1,793,010
Butterfat-sugar mixtures	[4] 645,000
Butteroil	[4] 600,000
Total	36,796,255

[1] Same value as in 1967.

[2] Estimated by applying average 1967 value to present quotas.

[3] Edam and Gouda and Italian imports in 1967 exceed quota and apparently include processed cheese.

[4] Estimated on basis of quota times estimated foreign value used in computing 1967 values as shown in table A.

SURTAX NECESSARY TO BEAT INFLATION

Mr. SMATHERS. Mr. President, I ask unanimous consent that an article published in the Los Angeles Times of March 7, 1968, and relating to the income surtax and the necessity of beating inflation, be printed in the RECORD.

The article, written by William H. Anderson, points out the need for prompt action to defray the cost of the Vietnam war, curb inflation, and reduce the budget deficit.

I commend the article to the attention of all Senators.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOPICAL COMMENT: INCOME SURTAX—THE NECESSITY OF BEATING INFLATION

(By William H. Anderson)

A good deal of controversy has arisen over the 10% surtax on personal income recommended by the Johnson Administration.

In spite of rising prices (food costs up 10% since 1964); a threat of rapid inflation (3% or better right now); increasing balance of payments problems ($3.5 billion deficit in 1967); accelerating loss of gold ($1 billion during 4th quarter of 1967—8–9% anuual average loss in 1967); weakness in the American dollar; and large federal deficits ($20 billion without the surtax in 1968–69), too many people assume a negative posture and seem to refuse to contribute to the solution of their own problems—even when the mere payment of more income taxes (and no other effort) would add materially to the alleviation of these problems.

Failure to make firm but essential decisions may cost us a great deal more than the suggested tax increase. Our present 3% plus inflation aggravates a number of the above problems. We are faced with emergency conditions, a war economy ($76 billion defense budget) and demand-pull inflation that could accelerate in a destructive manner.

The surtax proposal is intended to help pay a larger proportion of the cost of the Vietnam war (present cost $26 billion per year); and, potentially to make a material contribution to combating inflation.

Economists recognize that such a tax could do just that by absorbing current purchasing power that would otherwise be spent and thus run up prices; by discouraging the willingness to spend; by reducing the budget deficit; and thereby reducing the amount of funds the federal government would have to borrow from the banking system.

BORROWING ISN'T THE ANSWER

Borrowing from the banking system is strongly inflationary, because when the banks lend to the government they merely create new money and add to the total money supply.

Much of the opposition to the surtax arises because people do not fully understand the risks of our (and their) present situation. It is easy for taxpayers to appreciate the effects of a surtax; they can calculate quite well the number of dollars involved. What people do not grasp is that inflation itself is a mean and unprincipled form of taxation.

Inflation operates subtly, it embezzles away an increasing percentage of the taxpayer's disposable income; it hits the low-, middle- and fixed-income groups particularly hard; it is a highly inequitable form of taxation because of its regressive impact; it injures those least able to bear and to recoup their losses.

Inflation is an especially unjust type of taxation because it "taketh away" and "giveth nothing" but hardship in return. Consumers receive no value for the higher price payments. They merely acquire at the higher price what they could have enjoyed earlier at a lower cost. Inflation thus can be more burdensome than direct income taxation.

On the other hand, when increased income taxes are paid, definite values-received will be forthcoming: (1) rising prices will be curbed to a material degree; (2) a larger proportion of federal expenditures will be paid by taxation; (3) less borrowing will be necessary; (4) the deficit will be smaller; (5) the federal debt will advance more slowly; (6) the interest rates that governmental units and all the rest of us will have to pay will be less; (7) interest charges on the debt will be smaller in the future, and (8) all governmental units will pay lower prices for what they purchase; to that extent government expenditures can be lower.

Furthermore, if tax increases are not used to fight inflation, heavier reliance will have to be placed on money and credit policies. The Federal Reserve System will have to fight inflation with increased discount rates and higher reserve ratios. Then interest rates in the private markets will rise accordingly. This will tend to dampen home building, construction and business real investment.

Citizens in these areas will have to bear disproportionately heavier burdens, while all the rest of us pay less taxes. We could get a combination of inflation and depressed growth at one and the same time. This could materially decrease employment and real income—we could get an inflationary boom, a bust and a serious recession.

The costs of the Vietnam War are now greater than in the Korean War. During the latter conflict we levied increased personal income, corporate income and excess profits taxes and in addition used direct controls. Good fiscal policy in a war-inflation situation demands that we now do something at least comparable to tax policy in the Korean War.

GENE McCARTHY: A MAN FOR THIS SEASON

Mr. McGOVERN. Mr. President, the New York Times of Sunday, March 10, 1968, has paid a moving and, I believe, most justified tribute to the distinguished senior Senator from Minnesota [Mr. McCARTHY].

Referring to Senator McCARTHY, the Times editor observes:

A man of wit and of learning and of decent respect for the opinions of others, he is a man for this season of emotionalism.

In his own distinctive, serene, good-humored manner, Senator McCARTHY displays the kind of courage and dignity which justifies the respect of us all.

I ask unanimous consent that the eloquent editorial tribute of the New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A MAN FOR THIS SEASON

Senator Eugene McCarthy's campaign is steadily gaining in strength and significance. His showing in the precinct and ward conventions in Minnesota last week was unexpectedly strong. President Johnson's refusal to run in person or through a proxy candidate in Massachusetts defaults that state's votes to Mr. McCarthy for the first ballot at the Democratic National Convention. These developments have heightened interest in Tuesday's primary in New Hampshire.

Every serious political campaign represents an interaction between the candidate and the issues. Senator McCarthy, comparatively little known on the national scene, is tapping a sizable vein of antiwar sentiment. He is winning support because he is willing to talk sensibly and calmly about Vietnam, the subject that is most on the minds of the electorate, and is willing to submit his beliefs to the judgment of the voters.

The McCarthy campaign appears novel because so many Americans have become accustomed to political campaigns in which issues are ruthlessly subordinated to personalities. It is rare and refreshing for a man to be more concerned with his ideas than his image. Mr. McCarthy is not merchandising himself as if he were a popular singer or

a new brand of detergent; he is not seeking support because he has an attractive wife or children or dog or any other irrelevancy.

What is remarkable, however, is that so many of Senator McCarthy's own supporters who agree with him on the Vietnam issue are so ready to complain about what they regard as his deficiences as a campaigner. It is as if, having made up their minds on the subject of Vietnam, they only want a spokesman who will ventilate their emotions by shouting slogans and making fiery attacks.

But surely the Vietnam debate is already too envenomed by passion and rancor. What is needed is a man who will, in Adlai Stevenson's phrase, "talk sense to the American people"—and that means talking sensibly and calmly and treating audiences as adults capable of comprehending complexity. That is what Senator McCarthy is doing and what he deserves great credit for doing. If he underplays his points and occasionally trails off into vague inconsequence, that is—or ought to be—preferable to the more usual escalations into bombast and simplemindedness. A man of wit and of learning and of decent respect for the opinions of others, he is a man for this season of emotionalism.

Politics is normally defined as the art of the possible. It is the purpose of the idealist in politics such as Senator McCarthy to expand the boundaries of what is thought possible. Regardless of the outcome in New Hampshire or in the later primaries in Wisconsin and California, Senator McCarthy has no reasonable chance of winning the Democratic nomination—as he himself has recognized from the outset. But a series of McCarthy victories or near-victories in primaries and state conventions could conceivably alter President Johnson's perception of public attitudes toward the war and therefore his management of the conflict.

Like any man who has ever run for political office, President Johnson has a healthy respect for the ballot box. An outpouring of McCarthy support may convince him of the deepening public convicti n that the war cannot be won in the terms in which he is trying to win it. A Johnson change of viewpoint on the war is not probable, but it is more clearly within the realm of the possible than it was before Eugene McCarthy began to campaign.

Senator McCarthy has succeeded in making a negotiated settlement in Vietnam a more credible alternative simply by campaigning for such a settlement. He has removed the issue of the war from the sideshows of controversy to the main tent of politics where the two great parties contend. For all citizens, but particularly for students and young people, he has provided constructive political leadership in a hard, confused time. For that service alone he commands the respect and gratitude of all who cherish democracy.

SAIGON SOWS SEEDS OF ITS OWN DEFEAT

Mr. MORSE. Mr. President, the February 25 issue of the Statesman, in Salem, Oreg., contains an interview with a former U.S. Army captain who served as an adviser to South Vietnamese forces. The interview has inspired much comment in Oregon. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-CAPTAIN SAYS AMERICANS THWARTED AS SAIGON SOWS OWN SEEDS OF DEFEAT

(By Walt Penk)

Military operations in Vietnam have temporarily wrested areas from Viet Cong control time after time, only to have the hard-won areas lost soon after.

This grim situation develops because the Saigon government offers no promise for a better future and alienates the people by its corruption, in the opinion of a former U.S. captain who served as adviser to the Vietnamese Army and now attends Willamette University.

William B. Duncan, a law student from Sequim, Wash., didn't always feel so pessimistic. He volunteered for Vietnam duty and had considered making the U.S. Army his career.

But after a year serving as an adviser, Duncan says he became disillusioned. He had learned the language, enjoyed the Vietnamese people and culture and considered himself in a better position to observe the war than most officers of his rank.

GOOD INTENTIONS VAIN

The futility of the American efforts caused him to end his Army career when his captain's commission expired last June. The slim, brown-eyed student had concluded that all the good intentions hadn't gained any loyalty to the U.S. effort.

When he went on patrols, Duncan found that often a battalion of Vietnamese or Americans could be halted by six Viet Cong snipers. The terrain and the lack of co-operation of the farmers created this problem.

Villagers will tell the Viet Cong where the Americans and Vietnamese government troops are located. Beatings from the Vietnamese allies can't get information from the Cong. This contrast in attitudes he blames on the corruption that filters through all levels of the military government.

TASK FRUSTRATING

Flushing out the Cong in villages becomes a frustrating task. The farmers live in hamlets that are within shooting distance of the next hamlet. All are connected by trails.

Working in twos or three, the Cong have freedom to go from village to village. The government forces face danger each time they walk down a road or along the top of a rice paddy dike.

The Cong need only a few men in each village to have control. But the chain of command is so well developed that in a short time many troops can be infiltrated for a mass attack without discovery by the Americans.

"It is nearly impossible to secure an area if the people don't want to be secured," Duncan observed.

MODEL VILLAGES STARTED

In places where pacification was supposed to have been successful and the Viet Cong eliminated, the Vietnamese started some model village programs. Included were large quantities of U.S. food, clothing and building materials for schools and bridges.

The results saddened Duncan. He said supplies were sold by the Vietnamese officers to the villagers. Reports kept cropping up of profits made by selling material to build the schools. This program of attempting to rebuild villages has virtually halted, Duncan said.

Reports sent to headquarters from the advisers telling of the corruption and long inaction by battalions appear to be ignored, says Duncan. And when Vietnamese officers find poor reports have been sent in, they in return write counter reports claiming inefficiency on the part of the complaining Americans.

MAKE LITTLE IMPACT

About 20 per cent of the Americans assigned to the adviser jobs eat and sleep with their Vietnamese counterparts in order to show their sympathy, Duncan said. This is necessary to gain confidence of the Vietnamese. These men, however, can't make enough impact to change habits of corruption among the Viet officers.

Duncan, who studied anthropology at Washington State University, was in a better position than most officers to understand an alien culture.

In view of his experiences that ended last June, Duncan wasn't surprised at the outbreak of guerrilla attacks in the major cities and at American bases. He estimated it would take a million men just to secure the cities.

One thing that puzzled him was why the Cong sent only 18 men to invade the American Embassy. "They could easily have mustered 100 men and captured it," he said.

"If we had the support of the people, we could do the job with the troops we have," Duncan said, "but it is doubtful now we can win with two million troops."

MIDDLE EAST REFUGEES

Mr. SCOTT. Mr. President, the latest issue of Prevent World War III, No. 71, winter-spring 1968, published by the Society for the Prevention of World War III, Inc., 50 West 57th Street, New York, N.Y. 10019, contains an extended article entitled "Wanted: A New Policy for UNRWA and Middle East Refugees," which deals with the problem of UNRWA and the Middle East refugees—both the history of this problem and possible ways of solving it.

The article was written by Dr. James H. Sheldon, a foreign correspondent who has spent a great deal of time in the Middle East and whose writings on that part of the world have appeared in many places. It is necessary for the United States to develop new approaches toward the entire question of Middle East refugees, and I believe that the information contained in this publication may be of substantial help in achieving that purpose.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WANTED: A NEW POLICY FOR UNRWA AND MIDDLE EAST REFUGEES

(By James H. Sheldon)[1]

For 19 years the existence of a huge number of displaced persons in the Middle East has been one of the most unsettling factors in that part of the globe. It is high time for the world to take a new look at the whole problem: how it began, how the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) has tried to deal with it, and how we can act to bring about some permanent solution.

HOW THE PROBLEM BEGAN

During the late forties, about a half-million Arabs left that part of Palestine which has now become Israel. Some were motivated by fear, others by the blandishment of Arab military leaders and the Grand Mufti's Arab Higher Committee, which urged all Arabs to leave their homes in that part of the world, so as "not to be in the way" of the Arab armies bent on invading Israel, and often with the implied promise that they would soon be able to return and "inherit" the properties of their erstwhile Jewish neighbors.

The exact number of persons involved is still a major subject of dispute, and is probably a good deal less than the half-million figure which we have used, because "needy" persons were often accepted as "refugees," and there was no exact census—but this figure is large enough to include any responsible estimates that have been made.

[1] Dr. James H. Sheldon, the author of this article, is a foreign correspondent and a columnist for the American Examiner. He is Chairman of the Non-Sectarian Anti-Nazi League, and was formerly a professor at Boston University.

Almost simultaneously, another half-million inhabitants of Arab countries (notably, Iraq, Syria, Yemen, Egypt, Libya and Morocco) were compelled to leave their homes, often under conditions of great deprivation or peril, and become refugees in Israel. Here, the figure is more exact, because Israeli records are more precise.

The Jews who fled to Israel were promptly absorbed and resettled in productive work. None of them ever received compensation for their lost possessions.

The displaced Arabs, however, were treated quite differently. They were not welcomed as newcomers into the lands of their Arab brothers. Unlike other post-war situations involving large population exchanges, most of the host countries did not accept them for resettlement: instead, they were herded together in "refugee camps" in Jordan, Syria, Lebanon and the Gaza Strip.

As a result, in 1949 the United Nations General Assembly established UNRWA, for the stated purpose of dealing with these Arab refugees—whose number has grown to 1,344,576 "registered" persons, according to the June 30, 1967, report of UNRWA.

THE NUMBER INCREASES

No solution is in sight: in fact, the problem continually enlarges, as families proliferate and more unattached persons insinuate themselves into the sheltering arms of UNRWA.

Still another dimension has been added by a new wave of displaced persons resulting from the Arab-Israeli war of June 1967.

Meanwhile, UNRWA has spent about $600 million—70% of it from contributions made by the United States. Contributions from 82 other countries have made up the remainder of the budget. The Soviet Union, although increasingly involved in the affairs of the Arab world, has not contributed.

Any attempt to consider next steps immediately becomes bogged down for lack of accurate information. Although UNRWA is able to announce a total number of "registered" persons, no one really knows what this figure means.

As one UNRWA Commissioner observed, the reported death rate in the refugee camps is one of the lowest in the world—and the birth rate is among the highest. In fact, a large portion of the deaths go unreported and the ration cards are passed from hand to hand, or used as currency by local merchants. A reverse procedure sometimes occurs with births. As UNRWA's director observed in his annual report for 1951–52, *"to increase . . . their ration they (the refugees) eagerly report births, sometimes passing a newborn baby from family to family."*

Senator Albert Gore, returning from a visit to several refugee centers early in 1967, humorously told of arriving at a camp when a funeral was in progress. As soon as the participants heard that a United States Senator was present, he said, the funeral disappeared, and "even the corpse disappeared."

In short, if we are to go forward with a continued and perhaps enlarged program for UNRWA, the very first step must be a complete and aocurate census of the population concerned.

Such a census has long been opposed by most of the "host" governments, for political reasons with which the director has not been able to interfere.

The Commissioner General's report for June 30, 1966, for example, notes on page 8 that *"In Jordan, no systematic reverification has been possible since 1953, when disorders in the refugee camps caused the Government to call a halt to UNRWA's efforts to carry out a general scrutiny of ration entitlements."*

If a census is the first requisite for planning the future of UNRWA, the second problem is even more important, viz.: *What has happened to the resettlement program?*

WHAT ABOUT RESETTLEMENT?

When UNRWA was established, it was with the understanding that one of its functions would be to help resettle refugees in the vast open spaces of the Arab lands, such as the arable areas of Syria and Iraq (two of the world's underpopulated countries).

Every effort at resettlement has been met with a block. Various items earmarked for this purpose, totalling more than $200 million, have gone unexpended, reverting to the general funds of the relief agency. Failure to use this money for the intended purposes constitutes an almost unique record in any public budget.

When from time to time efforts were made to put more emphasis on resettlement, Egypt's official weekly magazine, The Arab Observer, attacked such plans as a "plot" to liquidate the refugee problem—thereby depriving President Nasser of one of the principal emotional arguments used in his campaign against Israel.

In actual fact, a considerable portion of the refugees in Jordan are at least partly employed—but local wage levels are so low that in many cases a refugee is not considered "employed" in this context until he is earning an outside salary which is more than that earned by many of the lower-level employees of the Jordan government itself. A kind of international boondoggle has thus been established.

The lot of the refugees in the Gaza Strip has been very different. Until quite recently, there were no comparable opportunities for employment there, and the administering country, Egypt, kept these people bottled up as if they were exhibits in a zoo, even denying them permission to travel to other territories where host governments were willing to receive them.

Still more disturbing is the evidence of *illicit political purposes for which the refugees have been used.*

When Ahmad Shukairy organized his guerrillas to invade Israeli territory under the banner of the Palestine Liberation Organization, he set out to train 12–14 thousand young men (mostly in the Gaza Strip), whose rations were being supplied by UNRWA. This amounted to using the money of the United States and other supporting nations for the purposes of training guerrillas to invade a friendly country. As a result, Senator Edward Kennedy and others interposed strong objections to the annual appropriation for UNRWA, unless this situation could be corrected.

In the 1966 report of the Commissioner General, we find this passage: *"Doubts have been expressed by some governments about the propriety of the Agency's issuing rations which may be consumed by young men in military training under the auspices of the Palestine Liberation Organization. . . . In light of these differences, arrangements have been made for special added donations to the amount of $150 thousand which meets the total cost of any rations consumed by the young men in question."*

In plain English, the Arab States were to be permitted to use UNRWA facilities for training guerrillas, provided only that they paid for it. A careful scrutiny of the Commissioner General's 1967 report, however, fails to disclose any mention of this arrangement, and the auditor's tables included in the report did not disclose that any "special contributions" were ever received for the purpose.

On the contrary, at the end of the fighting in June 1967, at least 4 thousand of Shukairy's guerrilla forces retreated to Egypt, where it appears they are still receiving UNRWA assistance.

UNRWA AND THE GUERRILLAS

Whatever the device invented to "separate" the funds used to support these guerrillas, the fact remains: A relief agency simply cannot afford to be caught administering funds (even earmarked funds) for training guerrillas whose purpose it is to upset the peace and create still more refugees.

This is a situation that has to be dealt with firmly and decisively before the future of UNRWA is determined.[2]

The problems inherent in the present UNRWA set-up are further complicated by the fact that virtually all of the staff are nationals of the host countries, a circumstance that makes for easy use of the camps as places for political indoctrination.

At the start of 1967, 11,404 minor Arab functionaries were responsible for the day-to-day affairs of UNRWA operation, with only about 112 professionals on the international staff. Correspondents uniformly report that the Arab staff, on the lower levels, use their positions for the purpose of constant propagandizing and indoctrination.

The host governments consider that Arab employees of UNRWA are subject to local regulation, and all owe varying degrees of allegiance to the local authorities. This of course tends to increase the amount of political propagandizing that goes on in the camps. It also results in the establishment of a substantial bureaucracy having a vested interest in the perpetuation of misery, and the postponement of effective resettlement steps.

With few exceptions, textbooks and other educational materials used in training the refugee children have been under control of the host countries, and are replete with anti-Israel and anti-Western propaganda, in spite of the fact that the costs are paid for by UNRWA itself. This is a point in respect to which several Commissioners have complained, but without result.

When the Israeli army occupied the West Bank, it found such examples as the following, quoted from a 4th grade textbook on Arab and Islamic history:

"Jews love only Jews and they are treacherous liars."

The same type of theme was often repeated in examples used for elementary reading and spelling texts, and in making up problems for arithmetic. One book even devoted several pages to extracts from the notorious anti-Jewish forgery known as the Protocols of the Elders of Zion.

REFUGEE CAMPS VERSUS ARAB VILLAGES

Finally, the present program *fails to take into consideration many basic factors having to do with the social and economic structure of the Arab countries themselves.*

Although apologists constantly speak of the "poor refugees," in many places the refugees are, in actual fact, better off than inhabitants in the surrounding Arab villages. In trying to estimate the relative status of refugees and the indigenous population, it is necessary not only to see the camps, but also the local villages. I did this during an extensive visit not long ago, and found that in most of the camps in Jordan sanitary conditions, health, educational facilities and even housing were superior to the same factors in near-by villages. Such very obvious things as the number of radio sets in sight confirmed the same impression. Housing in the camps was miserable, if compared even with the slums in New York—but it was nevertheless superior to that in near-by villages.

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[2] The problem was not changed by the enforced resignation, in December, of Mr. Shukairy, whose one-man diplomacy had made him unpopular with some Arab leaders. His successor, Yehia Hammouda, is a lawyer with long communist connections and a reputation for organization abilities, under whom the Egyptians seem to feel that they may be more successful in uniting hitherto dissident guerrilla groups.

This is not to say that the refugees in Jordan are well off: they are not. But by comparison with their neighbors, they are not badly off. This situation leads to obvious social and political tensions, and makes it more difficult to adjust the rolls so as to limit them to legitimate cases.

Even the use of the word "camp" is a misnomer (except for the new crop of people dislocated in June of 1967). Only three or four tents were to be found anywhere in the refugee areas, at the time of my visit, and all except one of these belonged to wandering desert traders who had dropped in to do some business.

I do not make these comments for the purpose of begrudging anything to those who are legitimate refugees, or to anyone else who is in need—but the time has come when the matter of economic development in the Middle East must be thought of as a whole, rather than just as a question of "relief" for one special group. A future UNRWA must be conceived and planned as part of an over-all economic policy for the entire area. It does little permanent good to provide relief for a limited group, when the entire countryside is in need of reconstruction—and to continue to keep this special group separated from the rest of the population, and sustained by international charity, merely perpetuates the problem.

Some effective starts have been made in Jordan, by setting up rural cooperatives and similar enterprises centered about the refugee settlements. These projects have not been as extensive as they ought to be, nor have they met with the positive response that should have come, because they tend always to belie the "separateness" of the refugee population, and thus become involved in the entire nexus of political questions surrounding the subject.

The host countries, in fact, have profited greatly by the presence of UNRWA, which has brought a major item of foreign exchange into their area.

In addition, some host countries have managed to use UNRWA as a source for a fairly substantial amount of direct revenue. About a million-and-a-half dollars have been paid in taxes on UNRWA installations in Jordan, Syria and other states, in spite of the fact that property of the international agency was supposed to be tax-exempt so far as local governments are concerned. Customs duties have even been collected on some portions of the material imported for the construction of refugee camps, and several disputes with regard to overcharges on railways have gone on ever since 1954. A reorganization of UNRWA must certainly eliminate these abuses. It is highly unlikely that the American taxpayer will be disposed to continue a relief operation from which Arab governments collect revenue.

It is worth noting at this point that Israel has issue orders that no taxes or customs duties shall be collected at any time, with respect to those UNRWA operations which are now located within territory that she administers.

PART OF AN OVERALL SETTLEMENT

By this time, it must be clear that *a settlement of the refugee question must now be considered as part of an over-all political settlement in the Middle East.* This is obvious from the history of the subject, and it is now an implicit part of American Middle East policy, as defined in President Johnson's five basic points set forth last June.

There are at least 40 million persons in the world who have become displaced, in one way or another, since the beginning of World War II. It is a depressing commentary on recent Middle Eastern history to reflect that, out of all this vast number, only the million-and-a-third (if we count the original refugees and all their descendants and other additions to the total) in the Middle East have remained untouched by plans for permanent resettlement.

The explanation is to be found, of course, in the attitude of the intransigent rulers of the Arab states themselves, who have steadfastly opposed all resettlement programs and insisted upon regarding the refugee issue as a major *casus belli.* For them, the only "solution" is to "return the refugees to Palestine" and end the existence of what they insist upon calling the "illegal" state of Israel. Indeed, even to this moment the official maps provided by the Arab Information Office in New York continue to show Israel as "Arab territory" temporarily "occupied" by Israel.

During a period in which there have been scores of changes of government in the Arab world, accompanied by complex and changing alliances, this is one of the few matters on which succeeding governments have been consistent—for the obvious reason that it provided a ready-made basis for emotional appeals under varying conditions of local crisis. Meanwhile, the refugees and the world at large have been the sufferers.

At the very beginning, in a declaration by the Egyptian Foreign Minister Mohammed el-Din, on Oct. 11, 1949, we were told:

"In demanding the restoration of the refugees to Palestine, the Arabs intend that they shall return as the masters of the homeland . . . More explicitly, they intend to annihilate the state of Israel."

A decade later, as an official Cairo Propaganda Ministry broadcast put it, Sept. 1, 1960:

"It is obvious that the return of one million Arabs to Palestine will make them the majority of Israel's inhabitants. Then they will be able to impose their will on the Jews and expel them from Palestine."

The same chimerical approach continued even in the 1967 General Assembly of the United Nations, and in December the spokesman of the Palestine Arab Delegation told the UN Political Committee that he would oppose any UNRWA policy which threatened *"a liquidation of the Palestine problem."*

ESSENTIAL REFORMS IN UNRWA

This sort of thing cannot, of course, go on forever. It is time to consider a permanent solution for the refugee question, along lines of economically viable resettlement—as part of a general political agreement.

Meanwhile, certain obvious reforms must be undertaken within UNRWA itself. As a minimum, these would include:

A careful census of the refugees.

Establishment of a workable record system, including revision of the rolls to eliminate interlopers and dead people.

Elimination of war-breeding activities connected with the camps.

Control of educational affairs by the international agency.

Development and application of plans for permanent resettlement.

The new refugee problem arising in connection with the war of June, 1967, has resulted in moving some of the "old" refugees (voluntarily or otherwise) to different locations, and in addition has created a smaller group of "new" cases. These are being dealt with at present on an emergency basis, and they must continue to receive the attention that the world's conscience requires they be given. Before the "new" group is inextricably mixed with the "old," however, it is urgent that we decide upon a policy for dealing with the whole question.

STEPS FOR THE FUTURE

The solution to the refugee problem, of course, lies in resettlement. This was most clearly pointed out by the late Secretary General of the United Nations, Dag Hammarskjold, who in 1959 surveyed the situation and concluded that the refugees could ultimately be absorbed in the developing economy of the Near East—not as a liability, but as an important asset. The Arab delegates attacked the Hammarskjold report, because of its emphasis on resettlement—and the issue was again postponed.

The United States, as a principal contributor to UNRWA, has from time to time reached similar conclusions, but has been unable to enforce them. In 1955 the Senate Committee on Foreign Relations reported that "a permanent solution of the Arab refugee problem can only be found through rehabilitation and resettlement and the Committee has repeatedly expressed its deep concern over the lack of progress in this direction." Six years later the House of Representatives Committee on Foreign Affairs reached a similar conclusion, following a study of the question—and there are dozens of similar reports that might be quoted. The tragedy is that although we *knew* what should be done, no effective steps were taken to put our knowledge into practice.

One result of the June, 1967, fighting has been that at long last many diplomats are convinced that the basic problems of the Middle East, including the refugee question, must now be reexamined. As a result, some faint glimmerings of progress are in sight.

It is time for the United Nations to establish a new agency not merely for relief, but for resettlement of the refugees—and this in the context of a general economic plan for the Middle East.

In the December, 1967, meeting of the UN General Assembly's Political Committee, Foreign Minister Frank Aiken of Ireland suggested establishment of a United Nations Compensation and Resettlement Fund, "to give generous resettlement grants to the Arab families who are not restored to their homes and property in Israel," in order to settle the refugee problem definitively. This is the kind of step which must be taken sooner or later.

ISRAEL'S CONSTRUCTIVE PROPOSAL

At the same time, Israel's Ambassador Michael Comay proposed that negotiations should immediately be initiated between Israel and the Arab host countries, together with the main contributing nations to UNRWA, to arrange a five-year plan for the rehabilitation of the refugees and their permanent integration into the economic life of the region. Mr. Comay announced that Israeli experts have been working on detailed and practical proposals looking in this direction. He pointed out that Israel had neither the duty nor the capacity to solve the problem alone, but was prepared to participate fully in international and regional plans to deal with the issue within the framework of plans for permanent peace. He appealed to the Arab states "on humanitarian grounds" not to reject the Israeli proposal out of hand, and renewed past offers of Israel to participate in an international reintegration and compensation fund to finance the solution of the refugee question. "The time," he concluded, "has come to move along the path to reconciliation."

It is also time for translating official talks into definite plans. As a first step, we propose the appointment by the Secretary General of a high-level international committee of experts, to survey the entire question of Middle East refugees, including the part played by UNRWA, with a view to getting the facts on which action can be based.

As a parallel action for the United States, it is time that we, as the chief contributor, make clear that future support for UNRWA depends upon prompt and vigorous internal reforms in the direction outlined earlier in this article. We should, at the same time, use our strongest efforts to support a new international resettlement program, along lines such as those suggested by Foreign Minister Aiken, Ambassador Comay, and the numerous report of our own Congressional committees. To make certain that action follows, we should also consider putting our pay-

ments to UNRWA upon a month-to-month basis, making part of our contribution contingent upon the taking of reasonable steps toward permanent solutions.

WE WELCOME REPUBLICAN SUPPORT FOR THE DEVELOPMENT OF THE AMERICAS

Mr. MORSE. Mr. President, the news media have recently reported that Mr. Richard Nixon, in response to a belligerent question from one of the Wisconsin students he was addressing, suggested what was called a new and radical approach for this country to follow in helping Latin America solve its problems.

While Mr. Nixon's suggestions that this Nation support multinational projects and expanded programs in agriculture and education in Latin America may seem radical or new for a Republican, I cannot see that they are new or radical. Mr. Nixon is a few years late in either case.

Almost one year ago, in Punta del Este, President Johnson and 19 other American presidents and high officials singled out agriculture and education and other areas for especially intensive efforts during the next decade.

The Declaration of the Presidents of America pointedly said:

> United in the intent to strengthen Democratic institutions, to raise the living standards of their peoples and to assure their increased participation in the development process, creating for these purposes suitable conditions in the political, economic, and social as well as labor fields.

Today, the member nations of the Alliance for Progress are hard at work making that action program a reality.

From its faint beginnings in the signing of the Charter of Bogotá in the last years of the Eisenhower administration, the supporting role of the United States in Latin America has been broadened and strengthened. As a result of bipartisan support for the initiatives of Presidents Kennedy and Johnson, the Alliance for Progress has become the very keystone of our hemispheric relations.

Despite the great achievements of the Alliance since 1961, in housing, agriculture, health and education, much work remains to be done.

Protectionist and reactionary forces in this country as well as in Latin America still attempt to polarize this hemisphere between right and left, between North and South.

The action of the 90th Congress in the preceding session to cut back on U.S. support to those Latin Americans who have shown a willingness to help themselves was a mistake. In addition, recent proposals for harshly restrictive trade legislation, presage for many Latin Americans a growing tendency to return to the almost disastrous policy of isolation and neglect the United States once followed.

I sincerely hope that Mr. Nixon's recent strong expression of support for President Johnson's Latin American policies will be supported by all his fellow Republicans in the Congress.

We would welcome them the support of the dramatic hemispheric goals we are achieving.

I ask unanimous consent to have printed in the RECORD the article published in the Washington Post quoting Mr. Nixon's remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post Feb. 7, 1968]

NIXON OFFERS LATIN PLAN

(By David S. Broder)

STEVENS POINT, WIS., February 6.—"Before I came here today," Wisconsin State University student James Kellerman told Richard M. Nixon this afternoon, "I thought you were a reactionary. But after listening to your opening statement, I conclude you either want a radical social change in the world or you are a liar."

It was the end of the question-and-answer session, following a short Nixon talk featuring the same "youth can remake the world" theme he had given last night to the Green Bay Jaycees. Kellerman made no effort to hide his skepticism.

There was a gasp from the 2900 students jamming the field house, but the questioner went on to challenge Nixon to detail his program for "revolution" in Latin America.

Nixon spoke without hesitation and without notes for almost six minutes in reply. The ovation he received from the college audience was the most significant event in a consistently successful day of stumping across east-central Wisconsin in preparation for the April primary.

"Latin America needs radical social change," the former Vice President began. "It needs a revolution. What it does not need is what Fidel Castro has imposed on Cuba."

Then, citing suggestions from Walter Lippmann and President Fernando Belaunde Terry of Peru, he outlined without hesitation what he called the "three key points for remaking Latin America.

First, he said, "the 200 million people living on the edges of that continent" should be given American aid in "building the great highway that will open the interior of that country."

"Let us be practical," he said. "With a half-billion dollars, we could do more to lift the standard of living for Latin Americans in the next ten years than we have done with our billions in aid in the last ten. We could open up that heartland, unite those peoples and make the common market a possibility. . . ."

The second needed "revolution," Nixon said, is one in agriculture, to remedy the situation of Chile, "a country with as much arable land as California, which imports $250 million worth of food a year to feed a population of 7 million," or Peru, "where 50 per cent of the produce spoils before it reaches the market."

Finally, he said, "they need a revolution in education," in order to convert what is now "the worst educational system in the world" into one that produces the required number of scientists, technicians, educators and health specialists.

"I don't know if that satisfies you," Nixon told Kellerman. "The kind of revolution I'm talking about doesn't mean going in and blowing up countries. But I think we've had enough marching feet in Latin America, and we need some helping hands."

The fieldhouse exploded in applause, and Nixon left to a standing ovation, whose importance transcended the immediate scene.

To campaign aides, it meant that Nixon had not only survived but triumphed in the first confrontation with a youthful audience since he opened his comeback presidential campaign, gambling that he can sell himself to a new generation of voters as the man who can offer the "new leadership" he says America needs "for the last third of the century."

THE CHALLENGE TO YOUNG MEN—ADDRESS BY SENATOR BYRD OF WEST VIRGINIA BEFORE JEFFERSON COUNTY, W. VA., JAYCEES

Mr. BYRD of West Virginia. Mr. President, recently I was honored to speak before the Jefferson County, W. Va., Jaycee's at their annual awards night dinner.

I ask unanimous consent that the text of my speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY HON. ROBERT C. BYRD, TO THE JEFFERSON COUNTY JAYCEES, AT HARPERS FERRY, W. VA., FEBRUARY 16, 1968

It is a pleasure to address the Jefferson County Jaycees at this Annual Distinguished Service Awards Banquet. I congratulate the three young men who are to be honored, and I congratulate your organization for stimulating interest in public service by making such awards.

There is a great need, I think, to arouse our citizens of all ages to a more active interest and a more vigorous participation in the affairs of our communities, our State, and our Nation. You are making a fine contribution toward this end by giving public recognition to outstanding community service.

Because there is such a need for greater participation and greater interest in public affairs, I welcome this opportunity to talk with you and to tell you that I believe that young men's ideas and young men's actions can have a significant impact on our Nation, in the world, and the era in which we live.

Many people, in thinking of the men who carry the weighty responsibilities of great undertakings and enterprises, and who bear the heavy burdens of government, are accustomed to think in terms of gray-haired maturity. And more often than not, they are right. The average age of the heads of the world's major governments last year was 64½ years.

The accomplishments in their 70s and 80s of such men as Benjamin Franklin, Oliver Wendell Holmes, Bernard Baruch, Charles Evans Hughes, Henry L. Stimson, John Marshall, Talleyrand, Disraeli, Voltaire, Michaelangelo, Winston Churchill and many others are well known.

But consider, too, these facts:

Thomas Jefferson wrote the Declaration of Independence when he was 33. Alexander Graham Bell invented the telephone when he was 29. William Cullen Bryant wrote *Thanatopsis* before he was 20. Franklin D. Roosevelt became assistant secretary of the Navy when he was 31. Cyrus H. McCormick built his reaper when he was 22. George Westinghouse patented the airbrake when he was 23. Alexander Hamilton composed his brilliant articles on the rights of the American colonies when he was 20.

Galileo, Sir Isaac Newton, Charles Darwin, Marconi, Luther Burbank, Albert Einstein, Thomas A. Edison, Eli Whitney, Leonardo da Vinci, Raphael, Franz Schubert, Mozart, Lord Byron, Shelley, Keats—all of these men won fame in their twenties, and the list could go on.

William Pitt became prime minister of England at 25. Napoleon won his greatest victories at 26. Julius Caesar became pontifex maximus of Rome when he was 24. Alexander the Great wept because there were no more worlds to conquer at 27. And Jesus of Nazareth finished His ministry on earth at 33.

It has always been a young man's world, an old man's world, a world in which every man, regardless of age, has his place if he

has something to offer. While the positions of greatest trust and responsibility have perhaps most often gone to men of maturity and wide experience, young men have always had, and are increasingly being given, the opportunity to achieve and to succeed.

The society that has the best chance to become a truly great society, I think, is one in which an effective and realistic balance can be achieved between youth and age.

The talents of both young and old are needed. Indeed, it will take the best talent that we can muster from all our citizens of any age to meet America's challenges, to solve its problems—and, yes, to take advantage of its opportunities—in this time of change, upheaval, and conflict.

I stress the word *opportunities*, for never have there been as many opportunities for service and for real achievement as there are today. The reason is not hard to find. It is summed up in the word *change*.

The United States, and the world, are going through a period of enormous change on almost every front. It is a time for physical change and of moral change, and a time of a change in attitudes as well.

On the scientific and technological front, the tide of change, of progress, has been so swift that for every problem solved by some spectacular new breakthrough, a new problem has been created.

The same is true in virtually every other area of our national life. Our ability to keep up with change has not equalled our capability for bringing it about. It is because of this "adjustment gap," if it may be called that, that many of our new problems have been created, and the challenges and opportunities they pose have been presented.

For example, the world's scientific and technical genius has produced nuclear weapons. But not only do we dare not use them; no one has yet been able to devise a fail-safe technique for dealing with the new problems they create.

Highway experts build more freeways to relieve traffic congestion—but the freeways themselves spawn more congestion.

Aircraft makers design and build ever bigger and faster commercial planes—and lack the airports to fly them from.

Medical men have learned to transplant the human heart and prolong human life—and in the process they have raised ethical questions to which no one yet has the answers.

The courts and the Executive agencies seek to solve the problem of racial inequality by forcing integration—and create interminable new problems instead, all in the name of social progress.

Mechanization doubles and triples farm production—and displaced workers swarm into the cities to create new slums.

The gap between poverty and affluence grows wider, and the slums spread—even as the government implements old urban programs and devises new urban programs.

And nowhere are the problems which have accompanied change more painfully and distressingly evident than in the area that is rapidly becoming our No. 1 national concern—crime.

Anti-crime legislation is now before the Congress; but I have some doubts as to how effective it can be in actually reducing crime, for the roots of America's crime problem extended deep into our national life.

The upsurge in crime and violence—more of it committed by young people than by old—traces directly, I think, to a number of factors that are relatively new in American life. All are related to moral and ethical change.

We are paying the price for the permissiveness that has eaten away at the moral fiber of the nation since World War II. Too many of our homes and too many of our churches and too many of our courts are no longer the bastions of the strong moral code, the strong sense of duty and responsibility, the strong belief in right and justice and swift punishment for wrongdoing, the strong belief in God—the things that made America the great nation that it is.

We are paying the price of moral deterioration, and, unless the trend is changed, we may find that no laws and no police forces will be effective. When parents fail to establish high standards of behavior for their children, when activist clergymen think it is more important to demonstrate and march and picket than to inculcate strong spiritual precepts, when courts over-protect the rights of criminals and under-protect the rights of society—then we get exactly what we are getting now. Only a change in attitudes and values and direction—by court, church, and family—can fully stem the tide of crime.

An aroused people can do it. An aroused generation of young men can do it. I urge that you be aroused, that you become involved, that you participate, to help find the solutions to the problems that plague and baffle us. The challenge of change, and how to cope with change, ought to be the overriding concern of every thoughtful person who loves this land.

Let me qualify what I have just said. The word involvement has lately come to have an unfortunate connotation. I certainly do not mean that young men should take to the streets to demonstrate or engage in civil disobedience. America has already tolerated too much of this disruptive and demoralizing business in our own time. Threats and marches, civil disobedience and violence can replace normal democratic processes only at the nation's direct peril. More than enough campus uprisings have been allowed to occur, more than enough draft card burnings, more than enough ugly urban riots.

What I am urging here, therefore, is not only non-demonstrating involvement, but, more importantly, intelligent involvement that seeks practical and possible solutions to our problems within a framework of law and order and respect for constitutional processes.

This is needed in every phase of American life. If America is to continue to be the great Nation in the future that it has been in the past, then young men must seek out the tough jobs in every field and take them on and master them.

It distresses me when I hear that young men do not want to enter public life because the hours are long and the work is hard and the pay is often not commensurate with the responsibilities involved. It distresses me equally when I hear that they do not want to become doctors because the years of preparation are arduous, or that they do not want to enter business because the competition is tough. It distresses me, I say, because unless the hours are long and the work is hard and the competition tough, the rewards in life will be meager, and the satisfaction that comes from achievement will elude us.

One of the greatest disappointments of our time, I think, is that too many young men and young women have turned away from the challenges. Dedication, diligence, resourcefulness, and industry seem to be thought of by some as old-fashioned and run-down at the heel. Too many have given up idealism for cynicism. Too many are content to just get by.

I do not mean this as a blanket indictment by any means. There are plenty of serious-minded young people, determined to make the best contribution of which they are capable to the world in which they live. I have been fortunate enough to have some of them in my office.

But the thought I want to leave with you is that, in this difficult century, the loss of any talent is distressing, and its effect will be felt. Every young person who shuns a responsibility he should be shouldering will leave his generation that much poorer.

This is especially true, I think, for the young man from the middle-class American home of average means. His participation in public life, in my judgment, is needed now more than ever as a balancing influence to the vogue that has seen so many rich men, or the sons of rich men, and the so-called intellectuals gain popularity—often undeserved—in politics.

I am sure you know that I do not equate "*average*" with "*mediocre*." The individual who is mediocre will not be able to meet the test of these times. But I firmly believe that there are many American young men who were not born rich, who have had to work for all that they possess, who can meet the demands of public service as well as or better than the more glamorous types who have captured so many headlines and so much thoughtless adulation.

Harry Truman was a truly great president. He was an average American—and in that very fact lay the source of his greatest strength.

I believe that too many ordinary citizens have abdicated their responsibilities in this area. I would certainly never disparage education or wealth. But too many of our citizens have been content to let the over-educated and the over-rich—who often look on politics and public office as a hobby or an avocation—take on leadership responsibilities that another far less financially favored citizen, because of a more understanding and practical approach, might well discharge better.

There is so much that needs doing, and too few people willing to do it. The problems of our country and our world have grown so pervasive and so complex that all of the talent and brainpower of young and old must be brought to bear if the human race is to keep its rendezvous with destiny.

In an earlier era, muscle-power was needed to clear the wilderness, plant the crops, and build a nation. That era has largely passed. Machines do much of our work, even some of what was once the work of a man's mind. But no machine, no computer can supply the thing our nation needs most: new ideas and dedicated citizens, young and old, to make those ideas work.

SHOCKING DEVASTATION OF SOUTH VIETNAM

Mr. MORSE. Mr. President, two able writers recently have addressed themselves to the shocking devastation which is increasingly inflicted on the people of South Vietnam as the United States continues its unconscionable escalation of the war.

Syndicated columnist Clayton Fritchey, and foreign correspondent Mark Gayn of the Chicago Daily News perform a distinct service in detailing the sad consequences of this war in terms of its effect on the civilian population of the nation we are "saving" in the name of freedom.

Mr. Fritchey notes wrly that critics of our Government's policy of devastation "do not seem to understand that it is better to be dead than red, and that in killing the civilians we are saving them from a fate worse than death. Let us hope they will be grateful."

Mr. Gayn, writing from Saigon, points out that South Vietnam "weeps tears of blood. It has no love for the Vietcong, the Americans, or the government of Saigon. All it wants is peace, a chance to rebuild lives and homes. But of peace there is no real thought here, or in Hanoi. The mavericks who speak of it are hauled away as subversives, and those who cry for respite cry in vain."

Mr. President, I ask unanimous consent that these two perceptive newspaper articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oregonian, Feb. 27, 1968]

BITTER "TEARS OF BLOOD" FLOW IN RAVAGED CAPITAL; "LITTLE PEOPLE" OF SAIGON BATTLE TO SURVIVE DURING WAR'S SAVAGE HOSTILITY

(By Mark Gayn)

SAIGON.—In Cholon, where more people speak Chinese than Vietnamese, a half-naked boy of about 4 sits on the hot pavement and plays with his new toys—half a dozen spent cartridges picked up in the street after a battle.

Twenty feet from him a weeping woman is loading her possessions in a pedicab. Twenty feet to the other side a file of heavily armed South Vietnamese Rangers is edging close to a fiercely burning cluster of two-story shacks.

A few Viet Cong snipers are thought to be inside and now they are being smoked—or rather burned—out so they can be killed in these sun-drenched narrow dirty lanes.

This is one of a hundred typical sights recorded in Cholon, Saigon's Chinese section, and elsewhere on any day by a reporter's outraged senses.

Saigon's nights are filled with the roar of nearby guns, and with fear. The short days—for the Vietnamese they are cut by curfew to somewhere between six and nine hours—are used for a desperate search for food, for missing relatives or for a refuge.

Public health officials meet each new day with the brief prayer, "Let there be no plague." For nearly four weeks the refuse of this untidy city has been accumulating on sidewalks and in gutters—hillocks of stench and disease.

Only 30 of Saigon's 80 garbage trucks are at work. Now some of the garbage is being sprinkled with kerosene and set afire.

When the curfew is lifted, the city lives frantically as if it had only an hour left. The streets are clogged bumper to bumper with pedicabs, scooters, small and disintegrating French taxis and, above all, Army vehicles. Armored personnel carriers escort oil tank trucks. Jeeps escort each other. They all bristle with machine guns and carbines carried by men in helmets and flak vests.

The city seems to sink under the weight of firearms. Each American civilian has become a gunslinger. Each office has weapons within easy reach.

A milquetoastish youth proudly exhibits a Thompson submachinegun. A pretty secretary says, "Suddenly I said to myself, Nellie, what are you doing here? You have just ordered some more ammo for an M-16 rifle."

The ground floor of the new handsome and now shellpocked U.S. Embassy is an arsenal. The ambassador, Ellsworth Bunker, drives out in a car with the rear window curtained and with two young men in gay Hawaiian shirts riding shotgun. This is not his only protection; there are other measures taken—unbelievable and unrevealable.

Rice in Saigon is still plentiful, and some of it gets to refugee camps. But there is evidence that Cholon is not getting its proper share. Is it because it is largely Chinese, and the Vietnamese command wants to make it suffer? Or is it punishment for having let itself become the base of the Viet Cong for 10 bloody days?

This city has long been sick with all the ailments of a capital at war. The Viet Cong attacks have made the sickness worse.

The bars on Tu Do Street stand deserted, with the disconsolate girls sitting alone in warm semi-darkness. For the moment, in a city in which virtually everyone seems to be for sale, there are few buyers.

But years of war and fear have torn to shreds the old fabric of morality. Twice in a single day I overheard young married women cashiers in a restaurant and in a store offer themselves to American civilians, gnarled with age:

"I come stay in your house with my children. Okay? I make good love to you." A mother trying to save her brood at any cost? A wife whom war has robbed of her man?

The Viet Cong have misread the moods here. They expected a warm welcome, and did not realize that loyalties have been dissolved by fear. By and large, there seem to be no pro-Americans here and no pro-Viet Cong. There are only very frightened little people trying to survive this terrible time.

The Americans, too, misread the people's temper. The whole vast propaganda apparatus here turns out statements reassuring, claiming victories, pledging a continued fight. But it is hard to be reassured by men whom one Vietnamese editor calls "innocent vandals"—these strangers in jungle boots and flak vests.

The ravaged city—like the whole ravaged land—weeps tears of blood. It has no love for the Viet Cong, the Americans or the government in Saigon. All it wants is peace, a chance to rebuild lives and homes. But of peace there is no real thought here, or in Hanoi.

The mavericks who speak of it are hauled away as subversives, and those who cry for respite cry in vain.

[From the Washington (D.C.) Evening Star]

GROWING DEVASTATION OF VIETNAM

One of the oldest and lamest Washington war jokes is that the U.S. can destroy the Viet Cong whenever it sees fit to: All it has to do is destroy the country and most of the people in it. It is no longer a joke. It is happening.

In the wake of the present fighting, it is gradually becoming clear that the heaviest losses have not been suffered by the Viet Cong or our forces, but by a multitude of civilians—the countless thousands of innocent men, women, and children who were killed, wounded or made homeless as U.S. tanks, bombers, and artillery bombarded cities and towns in an effort to dislodge the enemy.

The total number of civilian casualties is not yet known, for it is still mounting. But the new refugee count is 345,000, and probably will exceed 500,000, bringing the war total to an estimated 2,500,000 out of a total population of around 15,000,000. Some observers think the real refugee total is over 4,000,000.

Considering the statistics of the last two or three years, there is no reason to think that, as the war escalates, the entire population cannot be wiped out or converted into refugees in a few more years, or possibly sooner if the war-stimulated plague continues to spread, and if our chemical warfare permanently ruins the soil.

Some Americans may shrink from the policy of rooting out the Viet Cong at any cost, but as a U.S. major said about Ben Tre, the capital of Kien Hoa province, "It became necessary to destroy the town to save it." Nobody yet knows how many inhabitants were killed when this town of 50,000 was flattened, but it did clear out the enemy along with the innocent bystanders.

Ambassador Robert Komer, the U.S. pacification chief in Vietnam, personally inspected what was left of Vinh Long, another provincial capital, after a series of air strikes which demolished much of the town, leaving 14,000 homeless and 2,000 dead and wounded. It was "militarily justified", said Komer, and "it could have been a lot worse."

Viet Cong invaders hid in the residential section of My Tho, a lovely seaside city of 30,000, but they were blasted out by U.S. bombing which, in the process, destroyed the homes of half the population. It was the same story in Can Tho. In the old, imperial city of Hue, the New York Times reported, the U.S. artillery "blasted away at brick and mortar walls and reduced homes to rubble in this city of 145,000." A Marine major said, "It's the only way to get them, unless you want to risk losing half a platoon to get one sniper."

The United States, according to Senator Robert F. Kennedy, has "dropped twelve tons of bombs for every square mile of North and South Vietnam. Whole provinces have been substantially destroyed." Civilian casualties are estimated at twice the total for U.S. forces.

Noting the swelling hoard of helpless refugees, Senator Kennedy said, "Imagine the impact in our own country if an equivalent number—over 25 million—were wandering homeless or interned in camps, and millions of more refugees were being created as New York and Chicago, Washington and Boston, were being destroyed by war raging in their streets."

Largely as a result of the war, reports the World Health Assembly, "the incidence of plague has risen alarmingly. Cases have been reported in 27 of South Vietnam's 47 provinces." A study, sponsored by the Pentagon, warns that U.S. chemical defoliation of Vietnam may be doing permanent damage to its wildlife, soils, and streams.

"If we continue down the road we are going," says Governor Romney, "that is going to be a land of desolation." And Senator Mike Mansfield adds, "it is not an American function to insure that any political structure shall be enshrined over the smoldering ruins of a devastated Vietnam."

Messrs. Mansfield, Romney, and Kennedy do not seem to understand that it is better to be dead than red, and that in killing the civilians we are saving them from a fate worse than death. Let us hope they will be grateful.

FEDERAL WATER RESOURCES LEGISLATION

Mr. MOSS. Mr. President, each year the American Waterworks Association and the Water Pollution Control Federation bring several hundred water supply and waste-water treatment people from all 50 States to Washington to acquaint them with the Federal programs and people having to do directly with local responsibilities and activities of the members of these two associations.

The people whom the two professional organizations bring to Washington are municipal leaders, the utility managers, and city department heads concerned with water supply and pollution control. They have a 1-day seminar with Members of Congress, key committee staff specialists in the water field, and representatives of the executive branch directing the programs which Congress has authorized.

It was my pleasure to speak at the 1968 seminar as a substitute for Senator MUSKIE, the chairman of the subcommittee on Air and Water Pollution of the Senate Committee on Public Works. It was an honor to be called upon to fill the shoes of the able junior Senator

from Maine. It was also an honor for another reason because the spokesman for the other body on the program was the esteemed and able chairman of the Committee on Interior and Insular Affairs, the representative of the Fourth District of Colorado, the Honorable WAYNE N. ASPINALL.

Since a major purpose of the seminar is to acquaint the operating heads of the water utilities with the provisions of legislation before the Congress, and to help them understand the background and policy objectives of the major pieces of legislation, it was logical that the keynote speaker was the top professional in the water resource field to whom Congress turns for scholarship and expertise.

I believe that all Members of the Senate will find that the remarks of Theodore M. Schad, Deputy Director of the Legislative Reference Service of the Library of Congress on that occasion as useful and worthwhile as those attending the seminar evidently did. I have spent a good part of my time since coming to the Senate in 1959 studying water resource development and related legislation, and I have found Mr. Schad's background of legislation in the water resources field valuable in the extreme. He spoke from notes but was subsequently prevailed upon to put his review in writing.

Mr. President, I ask unanimous consent that the paper delivered before Water and Supply and Wastewater Seminar, February 27, entitled "A Review of the Basis for Federal Water Resources Legislation," by Theodore M. Schad, Deputy Director of the Legislative Reference Service, Library of Congress, be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A REVIEW OF THE BASIS FOR FEDERAL WATER RESOURCES LEGISLATION

(A paper delivered at the Water Supply and Waste Water Seminar, American Waterworks Association, Water Pollution Control Federation, by Theodore M. Schad, Deputy Director, Legislative Reference Service, Library of Congress, February 27, 1968)

You are gathered here today in the exercise of what I consider to be one of the most basic and important responsibilities of American citizens—that is to become informed on the issues of the day so as to improve your ability to present your views on legislative matters to your elected representatives in Congress. In my view, this is an extremely important obligation of our profession and one that has not been exercised as fully as it should have been in the past. I am pleased therefore to have this opportunity to make the keynote address at this seminar, and to give you my views on the basis for present legislation in the field of water supply and water pollution abatement.

The program which has been arranged for you today includes reports from Congressional leaders who will discuss pending legislation affecting the Nation's water resources. You will get a report on the Federal water resources research program and a panel discussion on the application of the legislation dealing with water quality standards. I hope you will take advantage of the opportunity presented at the conclusion of each talk for discussion and questions.

The purpose of my paper is to review the basis for present Federal legislation dealing with water supply and water pollution control to provide perspective for the speakers and discussions which will follow during the rest of the program. The management and control of water has generally been accepted as a local problem; therefore, the real question arises as to why there has been so much recent Federal legislation. It is of particular importance that we look into the background in order to answer the question, "What are the objectives of the Federal Government in the water resources field?"

There are, of course, many reasons why Federal programs have evolved to meet needs in the water resources field. Since political boundaries were drawn in many cases without regard to drainage basins, many projects cut out across state lines and exceed the responsibilities and authorities of any one state. Water resources projects in one state also frequently affect another state in ways that require the exercise of Federal authority to protect the rights of affected states.

The Institutional arrangements for interstate cooperation on projects are very cumbersome, requiring an interstate compact approved by each of the state legislatures involved and consented to by Congress. It is much easier to secure authorization of an out-and-out Federal project.

In some instances the states are unable to agree on a division of costs. In other instances there seems to be a reluctance to make decisions on the local level and it becomes much easier to have decisions made in Washington where the decision makers are further removed from the problem.

Finally, and probably the most pervasive influence leading to ever increasing Federal programs, is the lack of funds available to state and local government. With its immense financial resources the Federal government appears to be in a much better position to finance major water resources developments, although this is subject to question in the light of the huge Federal deficits incurred almost every year.

The story of Federal involvement in water resources goes back a long time to the earliest days of our republic when the Federal government took jurisdiction over the use and improvement of inland waterways for navigation under the commerce clause of the Constitution. The commerce clause which authorizes Congress to regulate the commerce among states and with foreign nations has been the basis for much of our water resources legislation.

Even the function of improvements to navigation, however, when first exercised by the Congress was the subject of a great deal of controversy and it was not until certain key decisions of the Supreme Court were rendered that there was agreement that this was a proper role for Federal activity. I refer, of course, to those landmark cases beginning with Gibbons v. Ogden in 1824, on down to Gilman v. Philadelphia in 1865.

As you all know, early involvement of the Federal government was limited to snagging, clearing, and dredging of inland waterways, improvement of harbors, and provision of aids to navigation. As these functions were extended to the larger rivers, on what was then the western frontier, the scope and magnitude of programs increased. On the Mississippi River, it became obvious by the middle of the last century, that flood control was an essential concomitant to navigation. After numerous technical reports were prepared showing what was needed, the Mississippi River Commission was established in 1879 to evolve multiple purpose water resource plans for the Mississippi River.

Exercise of Congressional control over navigable waterways led to legislation regulating the construction of dams on navigable streams.

Under its authority for regulation of interstate commerce, the Congress also established nationwide Federal responsibility in the field of flood control through enactment of the 1936 Flood Control Act, which started a major construction program that has extended to almost every river basin. At first the financial responsibility for projects was to be shared with the States, but they were unable to raise their share of the funds, and in 1938 the law was amended to permit reservoir and channel improvement projects to move forward without any local contribution.

Another broad basic authority for Federal participation in water resources is in the property clause of the Constitution which authorizes Congress to take necessary action to deal with property owned by the Federal government. In connection with the public lands acquired by the United States in its territorial expansion to the west, early action toward their disposition was handled by making them available for homesteads for people who would develop the lands. West of the 100th Meridian, however, the arid climate prevented successful homesteading without the construction of major water supply works. After numerous attempts at settlement of the west were unsuccessful, the reclamation program for irrigation of arid lands and their settlement in family-size farms evolved around the turn of the century with the creation of the Federal Reclamation Bureau. Authority for irrigation was explained as early as 1906 to cover such matters as water supply for towns and reclamation projects and the development of hydro-electric power. This is probably the earliest municipal water supply activity authorized by Congress and it comes under the original authority of the property clauses of the Constitution.

Authorization for Federal standards and control of water quality was first exercised under the commerce clause as an exercise of Federal regulatory authority over interstate commerce. The first Federal drinking water standards were authorized under the public health legislation in 1914 as a means of regulating the quality of water used on or delivered to interstate railroad trains.

Basic functions of water supply and sanitation, however, were left to the states and localities. Major cities took over earlier privately developed water supply facilities and evolved the water supply systems which are presently one of the modern wonders of the world. When relationship of improper sanitation to disease was recognized, methods of water purification were developed that resulted in the achievement of the finest public water supplies in the world. Provision of municipal sewerage and sewage treatment works followed, again without any involvement of the Federal government. In my opinion, an unbiased observer would have to agree that the United States has moved further and faster in the fields of water supply and sanitation than any other country on the face of the globe. For this achievement, full credit must be given to the water supply and sanitary engineers, your predecessors, and the far-sighted municipal leaders who provided the authorization and funds for the necessary works.

With the near collapse of the American economic system in the early 1930's, cities and states were hard pressed to meet their needs for public works of all kinds. Thus began the first major involvement of the Federal government in the water supply and sewerage fields. This was limited, at this time, however, to provision of funds for public works projects in order to create jobs.

Some of the early Federal efforts to aid in the economic recovery were declared unconstitutional, but subsequent Federal efforts over the next several decades have been upheld by the Supreme Court under the general welfare clause. Programs of the Bureau of Reclamation expanded and it became the leading producer of hydroelectic power in the United States. Although this work was originally undertaken under the authority of

the property clause, Supreme Court decisions have also upheld it as a proper exercise for the Federal government under the general welfare clause.

The 1930's also saw the creation of the Tennessee Valley Authority to undertake comprehensive development of the water resources of the Tennessee River Basin. This work was originally undertaken under the defense clause of the Constitution since the dams and power plants were originally constructed for the purpose of munitions production during World War I.

Land and water conservation work under the Department of Agriculture was expanding during the 1930's so that Federal programs reached almost every county in the United States. Involvement of so many Federal agencies in water resource related programs necessitated a great deal of effort at coordination. This was handled at first through various boards, commissions, and councils appointed by the President which started work which was ultimately taken over by the Bureau of the Budget. Efforts were made during this period of expanded consciousness of water resources problems to establish a Federal role in the water pollution abatement field, but the proposed legislation was vetoed by President Roosevelt.

But the rather quick progression from the economically depressed 1930's to the war stimulated 40's brought great expansion in American industry without there being an opportunity for necessary construction of water supply and pollution abatement works by the cities. Many of them fell far behind in achievement of their goals, first because of the scarcity of funds, and then, when funds became available, because of the scarcity of materials and manpower.

A few years after the end of the war a successful effort was made to involve the Federal government in water pollution abatement and control. The Water Pollution Control Act of June 30, 1948, authorized the Public Health Service to prepare comprehensive programs for pollution abatement in interstate waters and their tributaries, to support research on treatment of industrial wastes, and to encourage the states in the development of plans for pollution abatement. Procedures for enforcement of pollution abatement actions were authorized, and loan and grant programs to assist municipalities were established under the Federal Security Agency, predecessor to the U.S. Department of Health, Education, and Welfare. Last but not least, the act authorized the establishment of a Federal water pollution control laboratory, the Taft Center, at Cincinnati, named after one of the principal sponsors of the legislation.

The program was extended in 1952, and when it expired in 1956, it was replaced by the Water Pollution Control Act Amendments of July 9, 1956, a more comprehensive act which restated the policies of the 1948 Act, and substantially increased the role of the Federal Government, by increasing the availability of funds for research, investigation, training, and information, and by adding a program of grants to the States for establishing measures for water pollution control, and a sewage treatment plant grant program to assist the smaller municipalities in construction of needed facilities. The demand for the latter program was so great that it was authorized over the objections of the administration then in office, which sought unsuccessfully to have the construction grant program transferred to the States, in accordance with a recommendation made by the Advisory Commission on Intergovernmental Affairs.

Provision of water supply storage in Federal reservoirs under the Flood Control Act began in 1938. This work, as well as similar work under the Federal Reclamation Project Act of 1939 had achieved such magnitude and brought about such competitive actions by the Federal agencies involved that the Congress established uniform standards for the inclusion of water supply storage in Federal projects through enactment of the Water Supply Act of July 3, 1958.

In the 1961 amendments to the Water Pollution Control Act formal authorization for storage for low-flow augmentation was provided, with safeguards to prevent its use as a substitute for sewage treatment works. The construction grant program was doubled over a three year period, and the program grants and research authorizations were vastly increased, with the authorization of seven regional water pollution control laboratories. Later, two water quality laboratories were added. Possibly the most important change in this Act was the extension of the enforcement procedures to make them applicable to navigable waters, as well as interstate waters which were encompassed under the previous Acts. Under various Supreme Court decisions defining navigable waters, this vastly increased the authority of the United States to take action against pollutors. The 1961 Amendments also eliminated the requirement for securing written consent of one of the States involved prior to bringing suit in behalf of the United States for abatement of pollution where such pollution endangers the health or welfare of persons in a State other than that in which the pollution originates.

In recent years, the pace of legislative activity in the field of water pollution abatement has accelerated. In the fall of 1965, after several years of intensive consideration, Congress passed the Water Quality Act of 1965. This act strengthened the Federal programs by creating a new agency, the Federal Water Pollution Control Administration, to administer the program under the Secretary of Health, Education, and Welfare. The statement of purpose in the new act was broadened, calling for the enhancement of the quality and value of the nation's water resources, and a new research and demonstration program was authorized seeking new or improved methods of controlling discharge of sewage and other waste from storm or combined sewers. The size of the maximum grants toward construction of sewage treatment plants was doubled again and the total authorization was increased by 50 percent to $150 million annually for fiscal years 1966 and 1967.

The most controversial portion of the 1965 Water Quality Act pertained to the establishment of water quality standards by the States subject to the approval of the Secretary. A deadline of June 30, 1967, was provided for filing of standards with the Secretary. A few months after the passage of this act, the transfer of the Federal Water Pollution Control Administration from the Department of Health, Education, and Welfare to the Department of Interior was proposed by the President and agreed to by the Congress under the provisions of the Reorganization Act. The Secretary of the Interior thus issued the guidelines for the formulation of water quality standards and now is responsible for approval or renegotiation of state-proposed standards. Possibly the most significant effect of the transfer is in the apparent change in emphasis from public health to conservation as the major focus of Federal water pollution control activity.

Before the deadline for the submission of state standards had been reached, Congress passed the Clean Waters Restoration Act of 1966. This act authorized grants to the states for the administrative costs of planning agencies involved in developing comprehensive pollution control and abatement plans for entire river basins. The act made substantial increases in research and development programs including a comprehensive study of the effects of pollution in the estuarine zones of the United States. Authorization for program grants to states was doubled to $10 million annually beginning in 1968 and a very substantial increase in the construction grants was made with authorization for appropriations of $450 million for fiscal year 1968, $700 million for fiscal year 1969, an even billion dollars for fiscal year 1970, and one and one-quarter billion dollars for fiscal 1971, a little over $3.4 billion for the 4-year period. Along with this increase, the former upper limits on the grants, which made them primarily attractive to the smaller municipalities, were removed and provisions were made for increasing the grants to 50 percent if the states fully supported the program under approved water quality standards. With an added 10 percent for projects that were in conformity with comprehensive metropolitan area plans, the legislation made possible Federal grants up to 55 percent of the total cost of a project.

At the same time the legislation in the water pollution field was being enacted, Congress was authorizing major Federal programs for water resources research and water resources planning. The Water Resources Research Act of July 17, 1964 authorized research in water resources problems to be carried out through water resources research institutes established at the land grant, universities and colleges. The Water Resources Planning Act of July 22, 1965 provided for comprehensive planning for water resources development for all purposes to be carried out by Federal-State River Basin Commissions reporting to the President through the Cabinet level Water Resources Council. Both acts offer substantial opportunities for Federal activity in the water supply and pollution abatement fields under the Federal water resources development programs.

In the omnibus rivers and harbors and flood control legislation enacted October 27, 1965, the Congress authorized the North Eastern Water Supply studies under the Corps of Engineers. This calls for a major regional study of the long range water supply problems in the North Atlantic and New England regions of the United States to be prepared in cooperation with Federal, State, and local agencies. This could be a forerunner of similar water supply studies in other regions.

This quick summary of water resources legislation should have convinced you by now that there are many hands at work on Federal water resources programs. As you continue your commendable efforts to understand the Federal legislative program, you will find that the Congress has authorized almost 40 separate agencies to undertake programs which have some effect on water resources. These are scattered through at least 9 cabinet departments and the Executive Office of the President, and there are a number of independent agencies which report directly to the President. If there is a question as to why so many agencies became involved in water resources, perhaps it could be answered by pointing out that some 13 of the 20 standing committees in the House of Representatives and 11 of the 16 in the Senate have responsibilities which led to their consideration of water resources legislation during the 89th Congress, 1966–67.

While most of the water supply and pollution abatement legislation discussed here today has emanated from the Public Works Committees of the two Houses, major legislation on water resources planning and water resources research is handled by the Committee on Interior and Insular Affairs. Legislation involving fish and wildlife, oceanography, inland waterway rules, and pollution of navigable waters comes under the Committee on Merchant Marine and Fisheries in the House and the Commerce Committee in the Senate. Interstate and Foreign Commerce Committee in the House also exercises certain responsibilities over navigable streams.

Proposals involving water supply and pollution abatement in rural areas are considered by the Committee on Agriculture in

the House, and Agriculture and Forestry in the Senate. When legislation on these subjects involves international water, the Committee on Foreign Affairs and Foreign Relations take jurisdiction.

Perennial proposals to grant rapid tax amortization or an investment credit for pollution abatement works bring the Committees on Ways and Means in the House and Finance in the Senate into the picture. Government Operations Committees in both Houses deal with Federal organization and reorganization plans involving the water resources agencies and are concerned with how the programs are carried out. Some of the important reports in the water pollution field have come from the Subcommittee on Natural Resources and Power of the House Committee on Government Operations.

Help to the cities through housing legislation has provided loans and grants for planning and construction of water supply and sewerage facilities. This legislation comes under the Committees on Banking and Currency of both houses.

From time to time, the Judiciary Committees also consider legislation having a bearing on water resources. This comes about when there is a claim against the United States or when proposals are made for special observances in connection with water resources activities.

Other committees that were involved during the 89th Congress include the Armed Services and Science and Astronautics in the House and Labor and Public Welfare in the Senate.

Last, but not least, the Appropriations Committees determine the rate at which authorized programs are carried out through provisions of funds for all the Federal agencies in the annual appropriation acts. The task of the Appropriations Committees is so great, however, that they have found it necessary to divide the work among numerous subcommittees, thus resulting in even greater fragmentation of the responsibility for Federal programs involving water resources.

From this brief run-down[1] on the Congressional Committee structure you can see that the task of the water supply and water pollution control professional organizations is not an easy one if they hope to exert an effective influence on Federal legislation in the water resources field. It is a major task even to keep track of the myriad bills that are introduced into each Congress, to say nothing of knowing which ones are of significance and how the Federal agencies are handling the programs that are now under way.

The subjects that will be discussed during the rest of the day will give you a good start, but only a start. Long hours of intensive study will be required to prepare for the exercise of a significant role in the legislative process. Of key importance is the development of a relationship with your own Representatives and Senators in Congress. Through them, arrangements can be made for effective presentations before the committees involved with water resources legislation.

This overall review of the basis for Federal water resources legislation leaves many questions unanswered. Of particular importance to you, it would seem, is the relation of Federal, State, and local efforts in this field.

Almost without exception, the preamble of all major water resources legislation has expressed the policy of the Congress to recognize and preserve the rights of the states in the utilization and control of their water resources. Many of the actions that have been taken by Federal agencies, however, have engendered fears that the Federal legislation is in fact derogating the role of the states to such an extent that they will soon have little to do with water resources.

Our municipalities are hard pressed to deal with their many problems, and are looking for financial assistance from any source they can get it. Can this assistance be accepted from the Federal government without surrendering the ability of the cities to deal with their own problems in their own way?

Some of the questions that need answering might be stated as follows: What are the overall objectives or goals of the Federal water resources programs? Why have the programs evolved in the way that they have with an ever-increasing Federal role? What is the best way to pay for what must be done in the water resources field?

These are not easy questions to answer. Many engineers sometimes dismiss Congress as being highly influenced by "small groups of highly organized and highly vocal minorities." Is this in fact a proper charge? What should the professional organizations in the water supply and pollution control fields do about it? Gentlemen, I invite your consideration of these matters.

[1] For details on this subject, see the February 21 issue for the CONGRESSIONAL RECORD, page 3713.

THE WAR IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent to have two items relating to the Vietnam war printed in the RECORD: One is the bishops' statement on Vietnam, issued by the Council of Bishops of the Methodist Church and the Board of Bishops of the Evangelical United Brethren Church, November 16, 1967; the second is a sermon entitled: "Christmas, War, and Christian Conscience," preached by Rev. Laurence Byers, at the Westminster Presbyterian Church, Portland, Oreg., on December 10, 1967.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BISHOPS' STATEMENT ON VIETNAM ADOPTED BY THE COUNCIL OF BISHOPS OF THE METHODIST CHURCH AND THE BOARD OF BISHOPS OF THE EVANGELICAL UNITED BRETHREN CHURCH, NOVEMBER 16, 1967

We commend the President of the United States of America for continuing to call for negotiations in the Vietnam war and for his repeatedly expressed offers to go anywhere, anytime, to make such talks possible.

We are appalled by the suffering as we think of the more than two million refugees in a land of only fourteen million people, the tens of thousands of wounded and disabled in a land with only primitive facilities to provide for their care, and of sorrow and heartbreak in the ever larger number of homes.

We are concerned about the effect of the Vietnam war in worsening the international situation. The survival of civilization depends on the establishment of a climate of acceptance and cooperation among world powers. It is clear that the resolution of the Vietnam war is a major prerequisite if such a climate is to be established. We are confident that the best interests of all nations require that the escalation of the conflict be halted quickly.

At the moment, each side indicates the possibility of action if the other side acts first. The sterile rounds of demand and counter-demand, accompanied by steady escalation by the parties to the conflict, must be broken by fresh and creative action by one of the parties. We believe the United States should take this initiative.

We urge that the United States implement verbal offers of negotiation with concrete action. Such action would be designed to safeguard the legitimate interests of the United States and South Vietnamese governments, their armed forces and peoples, while at the same time it would provide the utmost inducement to the government of North Vietnam and the National Liberation Front to come to the negotiating table.

We, therefore, propose that the United States and the South Vietnamese governments declare that, on a specified date, they will—

1. initiate a cease fire, with the maintenance of positions for the safeguarding of life and order, and

2. send to a neutral place a top-level team of negotiators to meet, under the auspices of the United Nations or the Geneva Conference, with all parties to the dispute, including the National Liberation Front. We believe that the United States, at the same time, should affirm its belief that

(a) the purpose of negotiation should be to establish the right of self-determination for the people of South Vietnam, and

(b) that the negotiations should consider the phased withdrawal of all foreign troops and bases with arrangements for asylum for those who may require it.

In the spirit of Christian love that bids us bind up the wounds of friends and enemies alike, we call upon the nations to join in a massive program of rehabilitation and economic development for the torn and tortured lands of both South and North Vietnam.

CHRISTMAS, WAR, AND CHRISTIAN CONSCIENCE

(By Laurence P. Byers, pastor, Westminster Presbyterian Church, Portland, Oreg., December 10, 1967)

"For every boot of the trampling warrior in battle tumult and every garment rolled in blood will be burned as fuel for the fire. For to us a child is born, to us a son is given . . . and his name will be called . . . the Prince of Peace." (Isaiah 9:5, 6.)

"Then Herod . . . in a furious rage . . . killed all the male children in Bethlehem and in all that region who were two years old or under . . ." (Matthew 2:16f.)

I

The first New Testament Christmas had a mood of oppression and tyranny in it, and the words of the prophet Isaiah announcing the coming of the Messiah were linked to "battle tumult" and garments "rolled in blood." As it is in our modern world, so it was in the ancient world. Few were rich and the many were poor. Few lived long and the many died young. A few had too much to eat while the majority were hungry. The peasants were downtrodden, trampled, exploited. It was so then; it is still true now.

Thus, the conditions surrounding the birth of Jesus on that first Christmas were not like a maternity ward in a modern hospital, but more like a backyard slum in Detroit or Watts or Harlem. Joseph and Mary had travelled at their own expense and inconvenience in response to Caesar's government decree to help complete the Empire's census statistics, in the last few days of Mary's pregnancy. If Mary and her baby had died in a ditch between Nazareth and Bethlehem, imperial Rome would not have greatly cared.

Furthermore, when the news was out that a child was born whom strangers described as "the King of the Jews" Herod viewed the information as a threat to his own position. So soldiers appeared in Bethlehem to butcher all the infant male babies under two years of age. Those soldiers had orders from their superior officers, who got their orders from Herod. To disobey those orders would have meant a military court martial, torture, and a soldier's ignominious death. So the soldiers simply did their job of killing, as soldiers have always done. Even though Bethlehem was a small village with perhaps few babies, the blood of terror ran red in those village streets. The muffled sobs of broken families

sounded like the moans of grief in Vietnam, or in our military hospitals, or across the living rooms of the United States where families must face Christmas with the news of a soldier son killed in war.

II

But there was a difference in the terror of them and now. Soldiers had to face their victims at close range. Today they can annihilate other soldiers, or men, women, and children as civilians by pushing a button, releasing a lever, dropping a fire bomb, triggering a missile, firing a torpedo. And mass death rendered by mechanical means from afar has the effect of making murder less reprehensible. Yet, what is the difference between throwing a baby into a fire, and throwing fire upon a baby? We would not think of throwing a baby into a fire. But we throw fire upon babies from an elevation of several thousand feet, and the bombardiers and pilots do not have to see the children afterwards. Those who see them shudder. Mrs. Pauline Mass went to visit her six foster orphan children in Vietnam and found that two of them no longer had faces. The skin "had melted straight down from the head like a sheet, and then congealed onto the chest—you couldn't see a neck. Neither boys had eyes left—just two little holes. And the mouth, another hole. They had to be fed by tube" (Interchurch News, August-September 1967, page 5).

If you argue that they had to do that in order to destroy the Viet Cong, that, indeed, was probably the rationale. But the question of whether or not we should be in Vietnam fighting the Viet Cong is an altogether different issue. Meanwhile, Dr. Ira W. Moomaw, a veteran agricultural missionary and expert on Far East affairs described the result of our napalm bombing. He said "There could come a time when the survivors may envy the dead" (Op. cit. page 3).

III

Now, a few things must be said with candor. First, I am not overlooking the terrorism of the Viet Cong. This last week they used flame throwers to destroy a government village, and they have destroyed many other villages before that, killing and maiming Vietnamese peasants who do not submit to their political ideology and horror tactics. But can we in honesty argue that our "selective target" bombing and use of napalm and "anti-personnel" bombs are really more merciful? Too many reports have now been released by eye witness reporters and returning soldiers for us to believe that all our bombing is of bridges, roadways, railyards and industrial war plants. Harrison Salisbury wrote of his findings months ago in the New York Times. There are now photographs in the recent issue of the Saturday Evening Post that reveal bombed-out bicycle factories, rice paddy dikes, farmland, and residential areas of Hanoi and surrounding villages (Dec. 16, 1967, pages 21–24). Doubtless many of these had gun emplacements that were used by Viet Cong. But in war even civilians must try to protect themselves.

In addition to this evidence, many have reported that our planes have bombed windmills, grazing bullocks, schools, churches, toiling Catholic Christians and praying Buddhists. I do not say these were all intentionally bombed since our planes sometimes must dump their bomb loads to escape from enemy aircraft. But chapter eight of the U.S. Air Force's "Fundamentals of Aerospace Weapons Systems" explains that:

"A military target is any person, thing, idea, entity or location selected for destruction, inactivation, or rendering nonusable with weapons which will destroy the will or ability of the enemy to resist."

According to many reporters in our daily newspapers, a favorite method of flushing out the enemy troops is the first use High Explosive bombs and/or incendiaries—napalm or magnesium—to force people into the open. Then we drop anti-personnel "guava" bombs or BLU-26/B or BLU-36B which scatters 308 steel balls per bomb, exploded by a detonator and cyclotol. These "guava" bombs are capable of maiming everyone within a radius of fifteen yards. Even so, David Schonbrun in the December 16th issue of the Saturday Evening Post described the effectiveness of our air power to halt infiltration of the Viet Cong into South Vietnam. He wrote: "Bombing North Vietnam is like trying to fight a swarm of mosquitoes with a sledge hammer" (page 44).

Meanwhile, the Times-Washington Post news service stated on December 4, 1967 that we have "now dropped more bombs on North and South Vietnam than [we] dumped on Europe during all of World War II" (Oregonian, Monday, December 4, 1967).

IV

What is the cost to us of such bombing and warfare? The cost must first be measured in human lives lost—both American and Vietnamese. Then we must measure the cost in the people maimed and crippled. Did you see the photograph of the Vietnamese child with both arms mutilated? The caption read: "I can hold neither a dove nor a hawk in my hands." Another photograph shows an American G.I. walking through the meadow with his infant son, and the son clings to one of two hooks fitted to his father's two artificial arms.

Then the cost must be measured in the nervous disorders, the neuroses, the mental illnesses, the paralyses, the scar tissue, and the cost of permanent hospitalization of the hopelessly maimed. Finally, the cost must be measured in dollars spent for destruction that we do not spend for development. We spend about 30 billion a year to feed and outfit a military tapeworm that keeps growing larger, while Negro Americans starve in Mississippi, and our great metropolitan areas are increasingly tortured by poverty, riots, decaying homes and school systems, and must struggle with floundering welfare programs.

In the face of such appalling conditions, it is not really surprising that so many soldiers in Vietnam wish they were not there, while so many students here say loudly and clearly they will not go there. They will go to jail instead, but would prefer a constructive humanitarian alternative like VISTA or the Peace Corps, or Community Service.

V

Second, this also needs to be said in candor: fighting a war against guerrillas may be necessary, but it often means that we must use the same terrible tactics of the enemy. A soldier son wrote home to his parents in Akron, Ohio, and his letter was first printed in the *Beacon Journal*, later reprinted in the Interchurch News of the National Council of Churches. A portion went like this:

"DEAR MOM AND DAD: Today we went on a mission and I'm not very proud of myself, my friends, or my country. We burned every hut in sight! . . . The people were incredibly poor. My unit burned and plundered their meager possessions . . . The huts here are thatched palm leaves. Each one has a dried mud bunker inside . . . to protect the families. Kind of like air raid shelters. My unit Commanders, however, chose to think that these bunkers are 'offensive.' So every hut we find that has a bunker, we are ordered to burn to the ground.

"When the ten helicopters landed this morning in the midst of these huts, and six men jumped out of each "chopper," we were firing from the moment we hit the ground. We fired into all the huts we could. Then we got "on line" and swept the area.

"It is then that we burn these huts and take all the men old enough to carry a weapon and the "choppers" take them to a collection point a few miles away for interrogation. The families don't understand this. The Viet Cong fill their minds with tales saying the G.I.'s kill all their men . . . /so/ . . . they watch in terror as we burn their homes, personal possessions and food. Yes, we burn all rice and shoot all livestock.

"Some of the guys are so careless! Today a buddy of mine called out La Dai ("Come Here!") into a hut and an old man came out of the bomb shelter. My buddy told the old man to get away from the hut and, since we have to move quickly on a sweep, just threw a hand grenade into the shelter.

"As he pulled the pin, the old man got excited and started jabbering and running toward my buddy and the hut. A G.I., not understanding, stopped the old man with a football tackle just as my buddy threw the grenade into the shelter . . . After he threw it and was running for cover, we all heard a baby crying from inside the shelter!

"There was nothing we could do.

"After the explosion, we found the mother, two children ages about six and twelve, boy and girl, and an almost newborn baby. That is what the old man was trying to tell us.

"The three of us dragged out the bodies onto the floor of the hut. It was horrible. The children's fragile bodies were torn apart, literally mutilated. We looked at each other and burned the hut.

"The old man was just whimpering in disbelief outside the burning hut. We walked away and left him there. My last look was: old, old man in ragged, torn dirty clothes outside the burning hut, praying to Buddha. His white hair was blowing in the wind and tears were rolling down.

"Well, Dad, you wanted to know what it's like here. Does this give you an idea?

"YOUR SON."

Now notice: the letter does not say that the commander ordered the soldiers to kill mothers, children, and babies, but it does say that these were killed in their own homes in the process of waging war. In this case the killing was the result of both carelessness and fear, if not intent. I am saying, then, with this letter as substantiating evidence, that our soldiers, to do their job, are forced in haste and danger, often against their own wills, to use the tactics of the enemy Viet Cong whom we insist are terrorists.

VI

Third, this with candor: Our foreign policy is strangely inconsistent. It was first argued by administration spokesmen that we would *not* fight in Vietnam except as advisors and with career soldiers. Then, after further escalation our involvement was said to be for the establishment of a democratic government at the request of the South Vietnamese. Again we expanded our fighting machine further and now find ourselves there with half a million men fighting to support the Ky regime that offers the people no basic democratic freedom. Meanwhile, many observers have said that eighty percent of the Vietnamese favor the government of Ho Chi Minh.

Still later it was argued that we are fighting in Vietnam to stop the spread of Communism over South East Asia. In reality, all of these reasons dovetail and supply the reason for our troops being there. Yet it appears that we are only hardening Communist resistance to our display of military power. In any case, industry and books, farm tools and hospitals, irrigation dams and seeds, industrial advisors and school teachers are all urgently needed to help stabilize a shredded government caught in the battle against Communism and these we neglect in the expansion of our military might.

Besides, if it is really Communism we are determined to stop (despite the fact that, when left alone, it takes on more and more character of Capitalism), then why did we loan a billion dollars to Marshal Tito to further his Communist regime in Yugoslavia?

Some would reply: to create a rift between Yugoslavia and Russia. Why then, using that logic, should we not have loaned a billion dollars to Ho Chi Minh to create a greater rift between Vietnam and China which for centuries have been dreaded enemies of each other?

And what about stamping out Communism in Hungary and Indonesia and Italy? And why do we permit Castro to impose Communist rule on Cuba, ninety miles off the Florida coast? Isn't it because we believe his form of government will collapse under its own weight of tyranny and bungling? Why then fight a civil war in Vietnam, 10,000 miles away, if Communist tyranny and bungling inevitably sows the seeds of his own internal disruption.

Are there still deeper reasons for our presence there? Do we fight in Vietnam because China is next to it, and Russia is just north of China? International observers insist that the grand-canyon gulf that has been widening between China and Russia is now being narrowed again because we are forcing the two together by our presence in Vietnam. Is our presence there needed to keep China from taking over all of Southeast Asia? Is China using Ho as a buffer between itself and the United States? What little news we have on China seems to point to its own internal chaos and approximate civil war. Yet the borders of Kashmir and the takeover in Tibet both clearly reveal aggressive Chinese aims. And Mao is a militant Marxian Communist. But are we trying to provoke him into a fight? Many wonder. Yet who knows?

Meanwhile, two further developments appear. Recently the Advisory Council on Inter-American Affairs of the United Presbyterian Church unanimously adopted a resolution declaring that our U.S. policies, designed to provide economic and political development in Latin America appear to do the reverse because U.S. military aid supports "repressive military regimes." "Such regimes," the Council declared, "ultimately contribute to the perpetuation of injustice" because military governments alienate progressive leadership. While that is going on in Latin America, Russia is building up her striking power in the Mediterranean and increasing the shipment of arms to Vietnam. In the face of all this, if our planes pursue the Viet Cong across the China border, as Presbyterian ex-president Eisenhower recently recommended on television to his American audience, we may indeed find ourselves fighting a large-scale war not only in China, but in Laos, Thailand, Cambodia and Vietnam—with Russia striking at us from the Mediterranean in the first phases of a third World War.

VII

Now fourth, this with candor: There is no convincing evidence that we are winning, or can win this war in Vietnam until we obliterate the whole countryside. I am quite sure we are able to do that, and most of the Vietnamese know we can do it. But if we do that, all we will have proved is that we are the mightiest power on earth. Yet Communism will still be with us in the world, fed by human hunger, misery, and its own ideology.

Therefore, some insist stridently that we should withdraw our troops immediately. Others insist that we cannot pull out and be responsible to the people of South East Asia. Some say they depend upon us. Others insist that they hate us. Some argue that we should turn the whole issue over to the United Nations, but the United Nations can be caught in a quagmire of vetoes. Meanwhile, some insist that if we continue down our present course the whole country side will be devastated, the majority of the people will be maimed or killed, and the remaining enemy troops will drift across the borders of Laos and Cambodia, only to draw us into a larger war that will devastate those countries as well. This is a staggering moral issue.

Winston Churchill once wrote: "Never, never, never believe any war will be smooth and easy . . . the statesman who yields to war fever must realize that once the signal is given he is no longer the master of policy, but the slave of unforseeable and uncontrollable events. Antiquated war offices, weak, incompetent or arrogant commanders, untrustworthy allies, hostile neutrals, malignant Fortune, ugly surprises, awful miscalculations—all take their seats at the Council Board . . . Always remember, however sure you are that you can easily win, that there would not be a war if the other man did not think he also had a chance" (The Bitter Heritage, Arthur Schlesinger, Jr., inside front page quote).

Those words help explain why so many conflicting and protesting voices have so little effect upon the course of this war. Yet the crescendo is mounting as we draw near to Christmas, not only in demonstrations against the draft by the young men expected to offer their lives in Vietnam, but also in the words of honorable men who believe in our democratic government and speak from fields of education, science, and politics.

Thus, articles have recently appeared in the Post by Robert Kennedy. Robert McAffee Brown wrote his views in Look. Charles West (whose position, I think, is better balanced than most) wrote for Presbyterian Life. Harpers, Newsweek, Atlantic Monthly—all typically middle-class "establishment" publications, have featured sharp and differing criticism of our present position in Vietnam. To these voices are added the dissent of Senators Morse, Hatfield, Kennedy, McCarthy, McGovern, Gruening and Fulbright, to name a few among many who speak in opposition to our stance in Vietnam.

If it is argued that equal time should be given here to those who oppose these voices, I would reply that these are the minority voices today. The administration has the more powerful voice in our mediums of communication. But add up further the statements of the National and World Council of Churches, our General Assembly's "Declaration of Conscience" read from this pulpit and lectern last summer, and consider the messages of the Pope and Vatican II concerning world peace. They have all tried to suggest alternatives to our present policies for the administration to explore. When all these voices and positions are marshalled together, with the conflicting voices in every university and church across this nation, it is apparent that no single issue has ever so thoroughly divided this nation as the war in Vietnam.

VIII

I cannot resolve the international conflict or thread through the prevailing national chaos to pose a solution. Even if I could, there is no evidence to show that the opinion of a lonely preacher would be heeded in Washington. But it should be the preacher's privilege to insist that peace is very much the Church's business; and it should be the preacher's business to preach about it in the name of the Prince of Peace.

I know a few things the Church must do in wartime. First, we must pray and work for peace. That means that we should support the efforts of Church World Service in its distribution of food, clothing, and medicine to help war ravaged refugees—wherever they may be. And pray that the time will soon come when some of us can go to Vietnam to rebuild the dikes, the churches, the schools and villages we have helped destroy by the use made of our taxes to undergird our weapons and soldiers of war.

Second, we must cooperate with government powers and authorities in politics to bring forth a climate for negotiation and the establishment of peace. That means we should listen to and participate in the debate around us concerning our choices in Vietnam and the role of the United Nations. And we should insist that the greater power should always take the initiative for negotiation.

Third, we must include a ministry of compassion to those caught in the web of evil and brutality. That means we must help soldiers, and the parents, wives, and children of soldiers to face anxiety, separation, fear, horror, and death. For soldiers, in Christian conscience, may feel that they must fight in this war to stem the tide of Communist tyranny. We must bring a message to them of God's comfort and forgiveness linked to the message of God's judgment upon our folly. Within that judgment we must point to the agape love of Jesus, the Christ, and the power of His resurrection to bring us hope and life beyond this world's evil.

Fourth, we must oppose the pretensions and injustices of government whenever it turns deaf ears to the voices of those governed and pursues a policy that endangers the whole human race. That means that we must insist, as our Presbyterian doctrine makes so clear, that "God alone is Lord of the conscience"—not the nation, or the police force, or the local draft board. Therefore, the Church must include a ministry of counsel to Conscientious Objectors in addition to soldiers. These young men, in most cases, are considered old enough to fight, or die, or go to jail, or serve five years at hard labor, but they are not old enough to vote against an undeclared war!

Conscientious Objectors under our government should be continued the right to refuse to fight in wars in general, and given the added right to refuse to fight in this war in particular, since to do so links them, against their conscience, with terrorism. Many young men insist that the Nuremberg Trials proved that individuals are responsible if they participate in war crimes, despite the orders of their military commanders to do so, and thus there may appear more Conscientious Objectors to this war in Vietnam than in any war we have known.

IX

However, the agony of conscience in war must be individually faced. I pray that those who face it may find here a ministry of compassion and counsel. If the war continues to escalate, the day may be soon upon us when both soldiers and Conscientious Objectors will seek sanctuary here. If they do, may they learn that Christmas joy is to help relieve the grief and agony of a broken world. Beyond the glow of a parachute flare is the star in the Christmas sky, pointing us to the Messiah born into a world of "tramping warriors in battle tumult"—and born as the "Prince of Peace."

Beyond the rattle of machine gun fire, and the chop chop of descending helicopter blades hovering over the wounded is a windswept hill called Calvary. There soldiers, under orders, drove a spear into limp flesh hanging from nails, like a man with open wounds suspended from barbed wire. If the televised agony of all that comes into our living rooms beside tinsel and Christmas tree lights, try to remember that the angel's song was for such a world as this: "peace on earth to men of goodwill." If that peace never comes due to human folly, then remember that Christ Himself is our peace, and after Calvary came the dawn of eternal life on Easter morn, and the comfort of the Holy Spirit.

REDS MAKE USE OF DOVES' TALK

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Lt. Gen. Ira C. Eaker, an experienced and outstanding retired Air Force officer, and published in the March 13, 1968, issue of the Army, Navy and Air Force Times.

I am most impressed by General Eaker's candid evaluation and recommend it to the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REDS MAKE USE OF DOVES' TALK

(By Lt. Gen. Ira C. Eaker, USAF, retired)

The campaign in the United States to have us pull our forces out of Vietnam and abandon Southeast Asia to the Communists has taken a curious turn. The advocates of that policy are now saying we can't win and, after all, the South Vietnamese are not worth the effort, their people are unconcerned and apathetic, their leaders are corrupt and inefficient and their new government has not accomplished the needed social reforms.

While I was in Vietnam for a few weeks late last year I saw no evidence to support these charges. What is much more significant, not one of the U.S. military or civilian leaders on duty there held any such notions.

The tragedy is that this campaign to discredit our allies can do irreparable harm to our joint effort. Can anyone doubt that we are now engaged in a joint enterprise with the South Vietnamese? I never saw any partnership prosper when one of the partners began to attack and vilify the other.

One Southeast Asian, a civilian government official educated at Oxford, said to me, "When one of your senators makes a speech harshly and unfairly criticizing our people, our leaders and our government, we hear it on Hanoi radio the next night. Some of your leaders are, unwittingly I hope, providing the Reds with much of their most effective propaganda."

What would have been the effect here in 1776 if Lafayette, Rochambeau and Kosciuszko—Europeans who came to help us win our freedom—had called Washington and our other leaders crooks and incompetents?

A middle-class South Vietnamese civilian educated in the United States had this to say: "We often read a remark from some of your politicians saying that President Thieu and Vice President Ky were elected by only 37% of our voters, leaving the obvious assumption that they were an unpopular choice. Your President Kennedy, I understand was elected by less than 28% of your voters. Only 55% of your eligible voters went to the polls, and only slightly more than half of them voted for Kennedy. Right?"

It is now being said snidely that the Viet Cong Tet atrocities demonstrated that the South Vietnamese government cannot keep the peace, even with our help. Let's examine the validity and fairness of that. In South Vietnam, 14 million people have not been able to prevent crimes by some 50,000 Viet Cong and 90,000 armed intruders from the North. Here in the United States, 200 million people cannot prevent 1 million criminals from committing murders and robberies in every city in the country.

I think it is significant that of all the homeless, harried refugees from the recent battles, none has gone North to Hanoi or fled to Viet Cong sanctuaries.

Instead, all have sought the protection of South Vietnamese or U.S. forces.

Those who suggest that the Viet Cong be admitted to the government of South Vietnam are apparently unaware, despite the overwhelming evidence to the contrary, that the Viet Cong are criminals. Putting them in the government would be comparable to giving criminals representation on all our city police forces or granting seats in Congress to the Cosa Nostra.

Middle-class, educated, professional men and women in Southeast Asia believe that it is unfair to expect them, with a new constitution and a recently-elected president, to achieve social reforms which we have only lately accomplished under a system of government more than 175 years old.

Responsible, intelligent U.S. citizens, who want to see us achieve our objectives in Vietnam, can help to stem and counteract this irresponsible, senseless campaign to discredit our allies in Southeast Asia, which encourages the enemy, prolongs the war and increases our casualties.

EAST-WEST TRADE

Mr. MONDALE. Mr. President, Congress is now on record in opposition to East-West trade. The votes came on the bill to extend the lending authority of the Export-Import Bank.

Unfortunately, this opposition comes at a time when the solidarity of the Communist bloc is cracking. The members gathered in Budapest recently evidenced their disarray. The Eastern European countries have instituted broad economic reforms in the expectation that increased trade possibilities will help them strengthen their economic independence.

We should be encouraging trade with these nations, but the advantages to be gained from East-West trade are removed from the realm of possibility when one of the chief sources of financing such trade—the Eximbank—is prohibited from engaging in transactions with Communist countries.

What have we really done by voting against East-West trade? While we are patting ourselves on the back for striking a blow at communism, we have actually helped the Stalinist-type elements in Communist nations who are opposed to any contact with the West, preferring instead to intensify the cold war. Our "blow" at communism denies American business opportunities and markets at a time when increasing exports is crucial to our balance of payments.

We are denying trade opportunities for Eastern European nations which could assist them to break away from monolithic economic control by Russia. We are denying chances for Eastern European leaders to assert nationalistic preferences. We are denying chances to encourage all Communist nations to supply consumer products.

Our "blow" at communism only makes us appear silly in the eyes of Europeans. I ask—how can any nation which has been built by the strength of its economic system wear blinders when it has an opportunity to build economic ties throughout the world? An uneasy world can only benefit from peaceful and stabilizing contacts through trade. I deplore any action by Congress which makes more difficult such economic ties.

I ask unanimous consent that an editorial entitled "Some Cracks in the Communist Bloc," published in the Minneapolis Tribune of February 26, 1968, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SOME CRACKS IN THE COMMUNIST BLOC

Inadvertently the United States is helping to convert the economic aspect of Eastern European communism into something suspiciously similar to capitalism. President Johnson's endorsement in 1966 of "building bridges" to the Communist world was acknowledged by a proposal in Congress for relaxed restrictions on East-West trade, but no action was taken then or in 1967, and none is expected this year.

Ironically, many Western Europeans felt this to be a go-ahead, and their trade with the East, already growing steadily, accelerated in the past two years. The East Europeans, in turn, have initiated broad economic reforms. Most countries, for example, have adopted the distinctly non-Communist rule of permitting profit-making plants to retain up to 50 per cent of their foreign exchange earnings as a competitive incentive.

Politically as well as economically, the evidence points to the growing independence of what used to be known as Communist-bloc countries. Least conforming has been Romania, which shocked the Soviets last year by refusing to go along with the Communist condemnation of Israel and support for the Arab states.

In the spring, while incidents along the Syrian border brought Soviet denunciations of "Zionist aggression," a top-level Israeli delegation accepted a Romanian invitation to Bucharest, where they successfully completed a commercial treaty. Even after the June war, Romania refused to change its stand. In December a new, expanded agreement was negotiated, this time in Israel—not in Tel Aviv but in Jerusalem, where the political significance of Romanian recognition of Israeli claims could not be missed.

Such events illustrate the changing nature of the Cold War and the ability of other nations to exploit the opportunities those changes offer. Political realities of American preoccupation with Vietnam probably prevent similar "bridge-building" from this country now. Our hope is that those congressmen who recognize the changing nature of the Communist "bloc" will eventually persuade their colleagues that the United States should join the rest of the West in expanded trade with the East.

PRESIDENT JOHNSON REAFFIRMS AMERICA'S COMMITMENT TO SOUND CONSERVATION POLICIES

Mr. MUSKIE. Mr. President, the President of the United States, in his environmental improvement message last Friday, reaffirmed our Nation's high esteem for the natural values of the environment. The preservation of nature's beauty and order for recreational and esthetic enjoyment is in the best tradition of our stewardship of this land. More recently, we have come to recognize the great value of scientific observations and engineering to help correct inadvertent abuses of our natural heritage. And we now have available new opportunities to protect the land, air and water for many previously incompatible uses.

These problems and opportunities do not stop at the seacoast. We have learned that untampered wetlands or coastal lands and waters, for example, are in many cases highly productive—yielding substantial quantities of shellfish, with commercial values exceeding that of our most fertile farmland. Conservation means not only an end to waste resources, but the reclamation of natural wealth. And our responsibility to our children's children provides a moral dimension to these efforts.

Two years ago the Congress took the initiative to enunciate a policy to utilize more effectively the seas around us—including inshore waters over the Con-

tinental Shelf, the ocean deeps, and the inland seas formed by the Great Lakes. Enactment of Public Law 89-454 was an expression of the conservationist philosophy at its best. It looks to preservation of marine resources for constructive use by mankind.

I am pleased that the President's message underlines the promise of the sea, the inshore waters and its resources, and the determination by the Federal Government to intensify its efforts to study and to utilize the sea. This is particularly significant for the State of Maine.

The President spoke highly in the message of the National Sea Grant College and Program Act as a "new partnership between the Federal Government and the Nation's universities which will prepare men and women for careers in the Marine Sciences." Skilled talented manpower is essential to progress in our future study and use of the sea. The President's recommendation of $6 million for the sea grant program for fiscal year 1969 is a modest program for continuation of new university activities being begun in fiscal year 1969. This investment supports our institutions of higher education, opens fresh opportunities to our young people, and plants the seeds for realizing the great potential benefits from the sea. We should be doing far more than this, if the demands of our military commitments were not so overriding.

I congratulate the President on his vision and his initiative. The deep ocean is the final geographic frontier for exploration on our planet. He sounds a challenging and exciting call when he announces our intent to seek with other nations to launch an international decade of ocean exploration for the 1970's. He rightly characterizes this as a "historic and unprecedented adventure." The long-range benefits from tapping the ocean's resources—in magnitudes not now known—are reason enough for a partnership among all the nations bordering the oceans to initiate their exploration. But the opportunity offered by a decade of ocean exploration is not limited to national advantages. It is above all a spiritual challenge to modern man to explore fully his environment. The self-discipline to master the environment without despoiling it; to preserve and even occasionally to enhance nature for her joint occupancy—that is the moral imperative before us.

AFL-CIO STATEMENT ON EDUCATION

Mr. MORSE. Mr. President, at its recent convention at Bal Harbour, Fla., the executive council of the AFL-CIO issued a forward-looking statement on education. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON EDUCATION, BAL HARBOUR, FLA., FEBRUARY 20, 1968

Few achievements of the Kennedy and Johnson Administrations have been as important or long lasting in their effect as the broad range of educational legislation enacted by the Congress. The entire span of educational services from pre-school programs to college and adult education programs have been strengthened by the federal government's new commitment to share in the financial support of education. President Johnson quite properly described the 89th Congress as one that would go down in history as the "Educational Congress."

In his education message to the 90th Congress, on February 5, 1968, the President expressed his belief that the mid-1960's "will be remembered as a time of unprecedented achievement in American education." The AFL-CIO shares this view, even as it recognizes that staggering problems still remain and that what has been accomplished must be regarded only as a beginning.

In many regards, however, the AFL-CIO would go further than the President's proposals. We urge Congress to take the message as the starting point for a legislation program rather than as the outer limits of one.

Particularly in the field of higher education there is need for going far beyond the Administration recommendations. The proposed cut of more than $500 million in funds for construction of new facilities for higher education will mean that thousands of young people who stand ready for higher education will be denied it by simple lack of space. Student aid programs will be of little help if there is no room for the students in the nation's colleges and universities. The AFL-CIO believes that the proposed cuts in construction funds should be restored in addition to an increased student aid program.

The Administration proposed to increase available student loans through the method of subsidized and guaranteed private loans. So far this method has been tried and the results have not been promising. Banks have been reluctant to lend money at reasonable rates. To encourage them, the Administration proposes to make the loans more attractive by giving the lender a service fee of up to $35 for each loan. Rather than making student loans more profitable to the banks, Congress should, in the view of the AFL-CIO, return to the principle of government loans such as have been available on a limited basis through the National Defense Education Act. Government loans are surer to get to the student who needs them, and they are less expensive in the long run than the guaranteed private loan plan.

The Administration proposes a $40 million increase in Headstart funds, but most of this is for follow up programs. Headstart is still much too limited. It needs to be expanded and placed on a year around basis. To do this will require far more federal support than is envisioned at the federal level.

The AFL-CIO welcomes the changes recommended by the President in vocational education. More than one-half of the young men and women who graduate from high school every year do not go to college. In addition, three out of every ten students fail to complete high school.

Three-fourths of the graduating class of 1965 found employment by the fall of 1965 but less than one-half of those who dropped out of school during the school year 1964-65 were able to get jobs. It is obvious that education and training are essential factors that increase the earning power of the individual and thus, his purchasing power—the principal bridge to full employment.

Vocational education must prepare every boy and girl who does not go to college with the necessary skills to obtain and hold a job.

The Vocational Education Act of 1963 has provided our schools with new and modern tools to relate training and vocational education to the realistic needs of the labor market. A National Advisory Council on Vocational Education, established by the Act and appointed by the Secretary of Health, Education and Welfare, just completed an evaluation of the status of vocational education. The Council came to the conclusion that "the promise of the Act has not been realized." We in the AFL-CIO concur with that evaluation.

We believe that innovative programs, separately funded, must be encouraged to carry out the purpose of the Vocational Education Act of 1963. Work-study programs that combine education, training, work experience as well as income opportunities must become an integrated part of our overall vocational education system. In addition, residential schools should be constructed and operated to provide training opportunities away from an unfavorable home environment. Specific funds must be earmarked for the vocational education of persons with educational, social and economic handicaps.

The AFL-CIO strongly supports greater flexibility in federal matching grants to the states. Innovation projects, work-study programs and residential schools and programs for the socially and economically disabled require the federal government to assume a much larger portion of the costs than presently provided by the 50-50 matching base in the law. To carry out the programs that are urgently needed now requires a much higher appropriation of funds than is presently authorized in the Vocational Education Act of 1963.

No sounder investment can be made by the citizens of the United States than an investment in their own children's economic future. In his message, the President reminded us that "many of our urgent educational programs which directly affect the young people of America cannot be deferred." He concluded that "the cost—the human cost—of delay is intolerable."

The adult programs described in the President's message, like those for younger students, move in the right direction but at far too slow a pace. Considering the fact that there are 23 million adults who have not completed the eighth grade, a program which reached only 330,000 of them last year is hardly a cause for rejoicing. Expanded programs, adequately funded and administered by the states are clearly needed.

Organized labor has long recited the need for a federally supported university labor extension program. Those extension services which are now in existence make a great contribution to labor education. They need to be greatly expanded to meet the needs of unions. This expansion will not come about without federal support.

The AFL-CIO believes that federal funds should be provided for training and education of union members, stewards and officers in the same way as federal grants are made available to farmers and business.

Universities across the nation have manifested a genuine interest in servicing the needs of labor through the expansion of meaningful labor education programs. We, therefore, urge the Congress to give affirmative consideration to supplementary aid in this area.

In assessing our national priorities, we need to maintain a keen awareness that everywhere across the nation the urban crisis continues to be America's greatest domestic problem. In responding to that crisis there is no more essential tool than quality education at every level for all. Much of the unrest in our cities can be related to the hopelessness manifested by those who cannot see any substantive improvement in the quality of education in our inner city schools. In our view, the rate of improvement is still too slow and fails to meet the urgency of our times.

Where progress has beeen made, quite often it has been obscured by rapid movement from rural areas to the inner city. Attention to the quality of education in the rural areas therefore should be stepped up in the light of these developments.

To effectively address ourselves to this total problem, high priority should be given

to the expansion of programs which compensate for the years of decay, discrimination and apathy experienced by those who dwell in the ghettos of our cities. We believe that meaningful efforts in this direction will ultimately give rise to new hope to those who have long since given up.

COMMISSION ON HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, I recently introduced a joint resolution calling for the creation of a Commission on Health Science and Society to study some of the social and ethical implications of the recent medical breakthroughs, including heart transplants.

The University of Minnesota has pioneered in the development of the techniques and information needed in its animal research program, thereby paving the way for some of the recent breakthroughs. The university has been responsible for the training of many of the outstanding surgeons responsible for the recent heart transplant operations. In addition, many in the university have been involved in research and development in related areas.

Dr. Jesse E. Edwards, president of the American Heart Association and professor of pathology at the University of Minnesota, is a leader in the field of medical research who is well aware of the ethical and moral implications of the health sciences.

In a recent statement to the University of Minnesota's Minnesota Daily, he discussed the need for establishment of a committee to consider the ethical problems of transplants and other medical practices.

I ask unanimous consent that Dr. Edwards' illuminating remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

HEART ASSOCIATION PRESIDENT PROBES TRANSPLANT ETHICS

(By George Mitchell)

Human heart transplants involve serious ethical problems, Dr. Jessie E. Edwards, president of the American Heart Assn. and professor of pathology, said Tuesday.

The American Heart Assn. approved the establishment of a committee on the ethical problems of transplants and other medical practices in the middle of January, Edwards said. He said that in addition to doctors it will include members of the clergy, the legal profession, and the judiciary and will cut across social and racial lines.

"It will address itself to the subject of transplants both from the view of the recipient and the donor," he said, "and it will evaluate the definitions of life and death and the issue of who is logically responsible for the disposition of the organs."

Edwards called heart transplants "clinical trials." "You have to start somewhere," he said. "It was the same for the first open-heart operation. It had been tried on dogs, but would it work on man? You didn't know. We have to accept this as a fact of life. It has to be done. The day has to come when somebody is the first person to whom it's done."

Asked if an ethical problem is presented by a physician's inability to accurately predict a heart patient's longevity. Edwards replied that "a patient can get in a state verging on the unconscious and experienced people can often be right in concluding that the end is not far away."

He agreed, however, that it is very difficult to predict how much longer a heart patient may live.

A team of doctors wanting to perform a transplant should not be the ones to decide how much longer a patient has to live, he said. A team of doctors from another institution should be called in to make an objective study of the patient's condition and then recommend whether a transplant should be performed, he said.

Asked if he thought legal precautions like those of the Food and Drug Administration regulations on experimental drugs should be applied to experimental surgery, Edwards said that there should be some broad legal guidelines.

"But," he continued, "the management of the individual patient must ultimately fall upon the shoulders of the physician, because he has the special training to understand disease."

Edwards said laws concerning a potential donor's permission for the use of one of his organs in case of death should be liberalized. "I think there should be ways devised so that if an individual in his right mind wants to give his heart or kidneys or cornea or what have you, he would have the right to do it," he said.

When is a potential heart donor actually dead? "When all the vital organs—the heart, brain, and lungs—have stopped functioning," according to Edwards. "The public's idea of how ultra-fast you have to get the heart out is mistaken," he said. "There isn't that much of a rush."

He pointed out that a wave of enthusiasm generated by direct reporting to the public may give false hope to those with hopeless conditions. "It's bad enough for one to be in a difficult predicament physically, but it's cruel to give him false hope about it," he said.

According to Edwards, the basic feat of heart transplanting is technically not very difficult. He said that hundreds of heart surgeons could perform the operation.

"The big thing in heart transplantation was accomplished almost 15 years ago, and that is the heart-lung machine," he said. A heart-lung machine keeps the patient alive during the period when he has no heart.

Edwards said that he could not "get very enthusiastic about the prospects for heart transplantations. I'm more enthusiastic about the potential for a mechanical device than I am for the transplant," he said.

MOST CRUCIAL ISSUE FACING EDUCATION TODAY

Mr. MORSE. Mr. President, it was my good fortune on a recent trip to Oregon to have the opportunity to visit a campus of Portland Community College. This is one of Oregon's youngest institutions of higher education; but to me and, I am sure, to the young men and women who work in its classrooms, it is an institution of great promise for the future.

I thoroughly enjoyed my visit, and I enjoyed talking with both faculty and students. Portland Community College is served by President Amo DeBernardis, an administrator who is committed to the idea that every student should have a chance to develop his potential. The philosophy he exemplifies is well set forth in a series of four articles published in the Oregon Journal during January and February of this year. His statements are helpful to me, and I am sure they will be to other Senators as we consider legislation in the educational area. I, therefore, ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Oregon Journal, Jan. 12, 1968]

WHAT IS MOST CRUCIAL ISSUE FACING EDUCATION TODAY?

(NOTE.—This is the third column in the new Journal feature "Education Forum" in which three prominent Oregon educators answer vital questions on education. If you have a question or comment on any education subject, send it to Education Forum, Oregon Journal, Portland 97201. The question of the week will be answered by all three "experts" on Monday, Wednesday and Friday on the Journal's Feature Page.)

(By Dr. Amo DeBernardis)

Although many critical issues face education, I believe the most critical is the large city school problem.

Schools in large cities are having difficulty obtaining funds to adequately finance their educational programs.

As a consequence, buildings are run down, materials are lacking, good teachers are leaving the system and morale is low.

People are moving out of the city, and they are being replaced by other citizens who are not so affluent.

If we accept the fact that education is an important factor in maintaining the American system of government, then what happens to the 75 per cent of the nation's children who attend schools in large cities should be of interest to every citizen.

Schools in the American system have the important function of preparing the student for citizenship.

What happens if the educational program is allowed to become substandard for a majority of our young people? What happens to a group of young people who have been "short changed" in their education? How will they react in voting on issues which face the community—the nation?

The tax revolt has hit the large city school systems in a time of their greatest need. Because large cities have been in operation for a long time, the school buildings need extensive maintenance or renovating.

Portland is a good example. Over half of the buildings are 40 years old—some are 50—and because of limited budgets over the past decade these older buildings have not been remodeled and maintained at the level which would insure good facilities for the children. Many are in need of complete renovation to take care of a modern educational program to provide for use of new educational equipment and teaching materials.

Because of limited funds, large city school systems are unable to maintain and develop educational programs to take care of the unique needs created by the influx of culturally deprived groups who move into the city. Expanded services of social workers, special education, counseling, vocational education, staff development, research, all have had to be cut back or eliminated at a time when the needs for these services are the greatest.

The problem of the large city school system is further complicated by the fact that much of the community leadership moves to the suburbs, and the core city is deprived of the skills and the abilities of these citizens.

The central city begins to lose the vitality and spirit and deterioration begins to set in, ever so slowly. What happens to the vitality of a city has a direct impact on its schools.

This deterioration is not noticeable at first. A few good teachers leave each year for more attractive jobs in the suburbs. Maintenance of buildings and grounds is let go. Community interest in the schools wanes. By the

time it becomes noticeable it is usually too late to bring the system back without extreme effort and expense.

The deterioration of a large city school system cannot be taken lightly. If the local citizens do not harken to the demands of the system and provide the leadership and operating funds to assist the core city system, then other agencies must step in.

The nation cannot allow the large city system to deteriorate and provide a quality of education below that which is being provided in the suburbs.

Not only must it be of the same quality but in many respects it must be of a higher quality.

If the local community does not rise to the occasion and provide the funds to operate quality schools, then the state or federal government will step in to see that the needed programs are provided.

It must be remembered that the American system of government has within it the seeds of its own destruction, because the majority of the people can decide whether or not to perpetuate the system.

If these people who have been deprived of the educational services become disillustioned as a result of the educational program, then they may want to make a change in the system.

One has only to look at the riots throughout the country, teacher strikes, and general unrest to be aware of a ferment taking place in the central city which will have an impact to everyone in this country.

The people who have moved to the suburbs cannot overlook this important fact. Their leadership, their energy must also be directed to the cities' problems.

To ignore this responsibility is to ignore the future of the metropolitan area.

[From the Oregon Journal, Jan. 19, 1968]

DO LOCAL SCHOOL BOARDS RUN THE SCHOOLS?

(By Dr. Amo DeBernardis)

(NOTE.—This is another column in the new Journal feature "Education Forum" in which three prominent Oregon educators answer vital questions on education. If you have a question or comment on any education subject, send it to Education Forum, Oregon Journal, Portland 97201. The question of the week will be answered by all three "experts" on Monday, Wednesday and Friday on the Journal's Feature Page.)

The majority of the school boards are elected by the people to supervise the operation of the school.

They are selected from every walk of life—attorneys, doctors, housewives, craftsmen. It is their function to develop an educational system which best fits the needs of their community.

But, they are not expected to become involved in the day-to-day operation of the school. They hire a professional staff to direct this activity under the policies determined by them.

Too often school boards are criticized for not running the schools, even though this is not their function.

After 20 years of working for and watching school boards in operation, I know of no substitute which I would recommend to supervise the operation of the public schools of this country.

I have been impressed by the careful study our Portland School Board, for example, has given to the problems which the citizens present.

One only needs to attend a board meeting to see democracy in action. Any citizen may present a problem to the board and be assured of a courteous hearing.

Over the years I have seen many staff reports presented to the board, to which some citizens group has objected.

After the board heard both sides of the issue, and after careful study, it then asked the staff to modify its report. This is not to imply that the staff was wrong or that the people were right; it only highlights the fact that the people can be heard on matters of education policy.

I know of no elective group in our community which is closer to the people and their needs than a school board. For the daily operation of the school, though, the board must employ a professional staff to develop the educational program. The school board does not have the professional experience, background nor the time for this task.

The running of a school system, is no small undertaking. In most communities the school system is one of the largest businesses.

To ask a school board to be informed about the details involved in the daily operation of a school system, would be the same as asking the board of directors of General Motors to be concerned with the kinds of hub caps being designed for the new models.

The important task of the school board is the development of board policies and machinery so that the professional staff can implement these policies.

The school board, because it represents the people, must be responsive to any complaint presented to it. This is as it should be. It must refer the details of a problem, however, to its professional staff for study and a recommendation.

It is at this point that the charge is often made that the school board is a rubber stamp for the educator. Nothing can be further from the truth.

School boards need data on which to make the basic policy decisions, and on matters of policy the board spends many hours collecting data and discussing the pros and cons before making a decision.

Citizens who are interested in how the public schools operate and how policies are determined should attend the meetings of their school board.

Meetings are open to the public and the board welcomes attendance.

Except for explosive issues, citizens' attendance at school board meetings is light.

This could indicate a general disinterest in the school or it could be a sign that the public is generally pleased with what happens in the schools.

The fact remains, however, that the public should attend meetings to determine how policies are made and how the schools are operated. It is at these board meetings much of the detailed operation of the schools is discussed—purchases, maintenance, curriculum, materials, innovations, problems.

The task of developing an effective and efficient educational system in this fast changing world is a significant responsibility of the local school board.

The school board is dealing with probably the most important element in the determination of our society's survival—the education of future citizens.

Therefore, the ultimate goal for the board should be to provide for each individual pupil the best education possible.

To achieve this goal requires teamwork; and the team must include the citizens, the school board, the superintendent, the principal and the teachers. Each has an important role to play. Significant progress towards the goal cannot be made unless each player understands the total mission and his assignment in it.

What happens to a school system in the final analysis is the responsibility of each citizen. It is he who determines the person who will sit on the school board. It is he who determines how much money is to be allocated to the board for the schools' operation. It is he who can push for quality education, or can settle for a "bargain basement" education at the lowest cost.

[From the Oregon Journal, Jan. 26, 1968]

PUBLIC GETTING MONEY'S WORTH FROM SCHOOL FUNDS?

(NOTE.—This is another column in the new Journal feature "Education Forum" in which three prominent Oregon educators answer vital questions on education. If you have a question or commment on any education subject, send it to Education Forum, Oregon Journal, Portland 97201. The question of the week will be answered by all three "experts" on Monday, Wednesday and Friday on the Journal's Feature Page.)

(By Amo DeBernardis)

As one who has been employed and working in the field of education for many years, my answer to this question can be interpreted as loaded in terms of "Yes, the taxpayer is getting a good deal for his educational dollar."

However, any objective answer to the question must take a look at the services the schools perform for the funds they receive from the taxpayer.

Education is a service and it must be purchased the same as other services, such as medical, dental, legal governmental. These services must be paid for whether they come from an individual, a private concern or a public agency, such as the school which gets its money from the taxpayer. The amount and quality of services in education are determined in the main by what the community needs and wants. Too often the educational services are taken for granted by the public, and most citizens do not take a close look or evaluate the services which the school performs.

Today, all children in Oregon must attend schools until they are 18 years of age or are graduated from high school. There are a few who can be excused for medical or personal reasons. In the main, most children today under 18 are attending school. To provide a meaningful education for this diverse group of pupils, the schools must provide trained teachers, facilities, equipment, books, supplies, and maintenance. Each pupil is in school 180 days per year, or approximately 1,260 hours. This costs the taxpayer on the average of $540 per pupil. Putting it another way, this is about 42 cents an hour for providing a child an educational program. If the school did nothing but keep a child safe and warm and off the streets, this would be a bargain.

But the schools do much more. It takes the young child and teaches him the three Rs, and, contrary to what some people think, the schools do a better job today than in the "good old days."

Some people ask: If the schools are doing such a good job, how do you explain the dropouts and the many people who cannot read? Even in these areas, the schools have made significant progress. For example, in 1913 if 2,000 students started in the 1st grade, one could expect approximately 200 to reach the 12th grade. Today the dropout rate is much smaller and most first graders are graduated from high school. Of 2,000 students starting the 1st grade, 1,700 will reach the 12th grade. Another factor which must be considered is that in 1913 students could drop out of school and with little or no education could get a job. Today this is not possible. Most of the jobs in our society today require a high school diploma. As the society changes and the need for trained manpower changes, there will be little room for the uneducated and the unskilled. The school of today is trying to meet this need.

The schools have been asked to take on additional responsibilities in the community

because of the more complex nature of society and the needs of children. Modern society requires more than the three Rs, even though these are most important. Art, music, social science, home economics, industrial arts, vocational education, and physical education are but a few of the programs which have been added to the school to meet the educational needs of all of the children of all of the people.

Programs for the blind, the hard of hearing, the gifted, the handicapped, also have been added to take care of the special needs of children. In the past, these needs were not met and children either did not receive any help or were cared for by parents who could afford to do so. Fifty years ago, a single textbook sufficed as the instructional tool. Today, with the explosion of knowledge, students and teachers need a large variety of books, periodicals, films, recordings, radio, TV, etc., to do an effective job. In the elementary schools, these are provided free of charge. In the high schools, the students pay a nominal rental fee for textbooks; also they have available an extensive library of books and periodicals and other learning media to assist them in their studies.

The most important single factor in a school system is the quality of its teaching staff. Seventy per cent of the budget is allocated to this item. Education is concerned with working with human beings and consequently cannot be done entirely with machines. The major share of effort comes from those who work in the classroom. Today, teachers are well educated and better trained for their jobs. Teachers can no longer look upon the degree as the end to their educational training. Today, teachers must keep up with new knowledge in their specialities and the developments of new practices and materials of their profession. Consequently, teachers are continually upgrading their knowledge and teaching skills.

Perhaps the most important item to consider in this analysis of the return to the taxpayer for his dollar is the function of the public school system in our society.

Those who have children in a public school are getting a real bargain. How about those who don't? What do they get for their tax dollar? Space does not permit a detailed analysis of the values they receive; however, it should be pointed out that education is the foundation of the American economic and political system. Consider the countries in the world who have a low level of education. Even though they have abundant natural resources, they cannot raise their standard of living because of the low level of education. Education is the key to a high standard of living for all the people.

For every child who becomes a productive citizen, the taxpayer is saved the cost maintaining him in an institution, which saves $1,000 to $5,000 per year.

In the realm of self-government, such as in America, where people participate in the decision making, education is even more important. Again, let's look at the world situation: in under-developed countries where self-government is a goal and not a reality, the goal cannot be achieved without a high level of education.

If our country's education is going to play an even more important role as we continue to develop our new industrial technology, it can only progress as the level and quality of education of each individual is upgraded. Education is the keystone in inducting the young into our American way of life. It deals with the country's most important resource, its young people. The quality of education rests not only with the professional but with the citizen who supports the system. It is the responsibility of each citizen to know what his schools are doing and to participate in raising the quality of education to the standards needed by an evolving society.

At an average cost of $540 per child for 180 days school attendance, or 42 cents an hour, the answer is obvious. The public is getting its money's worth for the dollars invested.

WHAT TYPE VOCATIONAL EDUCATION FOR SCHOOLS

(By Dr. Amo DeBernardis)

One of the basic problems regarding vocational education is the image that the program has with the student and his parents. Vocational education has become a program for the student who can't "make it" in the regular curriculum.

Sputnik didn't help matters. When this piece of fireworks went up, the shout heard around the country was for more science, mathematics, and foreign language. The immediate reaction: Federal, state, and local governments and school systems put their energies and funds into these programs. Vocational programs didn't gain much status from this thrust, either in the form of dignity or of money.

Today's student is quick to realize where the status and dignity are in the school system and in society. The emphasis is on a college degree. High schools boast that 50 per cent or more of their graduates go on to college. This doesn't help the student who is mechanically inclined and is not college bound to admit that he is in a vocational program. In fact, he has a tendency to try the so-called academic course and shy away from vocational programs.

Yet, most jobs in our country do not require a four-year degree. Most jobs can be obtained with a high school diploma and specialized skill training. The vocational programs in our schools must receive the same emphasis, energy, and support that the other programs receive. To do otherwise is to indicate to students that these are not important. Consequently students will shy away from them.

The idea of earning a living must be a major thrust of the school. After all, the person headed for engineering, medicine, or law is in a vocational program. Why does society hold these in more esteem than those programs which have to do with welding, plumbing, and auto mechanics? Each is necessary for the welfare of the society and the individual.

Effective vocational programs need to be closely allied to labor and industry. The school cannot develop its program in a vacuum. Vocational programs need to be closely geared to what is going on in the work-a-day world. Industry and labor must help to develop the curriculum and provide the kind of guidance which is needed to keep the curriculum geared to the needs of industry.

Work experience is essential in any educational program. The school can develop the basic skills, but the real test comes on the job. Industry and labor must assist the schools in providing this valuable experience. It can't be learned from books.

Learning to work is a skill and the school must start early to develop the attitudes which will allow this skill to develop. How the pupil views the world of work is most important. This can't be taught in one course or in one year. The concept of the world of work—how man earns a living, production and distribution of goods—is an important item in the pupil's education, and it must be introduced early in the school experience. He should explore through books, films and talks by industry and labor personnel the many ways there are to earn a living. He should learn that all areas of work have dignity and worth.

The student should have the opportunity as he progresses through school to explore and try out his interests and his abilities in the vocational areas. The school must develop all types of programs—such as welding, drafting, home economics, business education, auto mechanics. There should be quality facilities for these programs. Only when the school, parent, and the community supports this emphasis and status will the student feel that he is in a significant program.

Programs for skill training are expensive. You can't learn to be an auto mechanic from a book. For that matter, you can't train a surgeon or a dentist without up-to-date laboratories. The educator and the citizen must realize that these programs require expensive facilities and equipment. In the small school the problem of providing adequate facilities is almost impossible. This means that a group of schools need to cooperate to provide adequate facilities, staff, and equipment.

A successful vocational program requires experienced and competent counselors to assist students in gaining information on manpower trends, to show them how to find jobs and to provide up-to-date materials on the world of work. Coupled with the counseling service should be a very active placement service so that students will have access to part-time and full-time jobs.

It is important that the high schools and community colleges cooperate in developing their respective programs so that a high school graduate can move into the community college and gain credit for the proficiency which he can show as a result of his high school training. The community college must keep its vocational programs flexible and geared to the needs of industry and must make provisions for re-cycling of students as they need upgrading of their skills or development of new skills.

Entry into and exit from a program needs to be flexible. The student should be able to start at any time and leave when his performance demonstrates mastery. The time-worn concept of an arbitrary number of required terms and an arbitrary number of required years in school needs to be modified. Somehow the school must develop a program which is truly flexible to allow the student this mobility.

The program must be better balanced, more accessible to people, more comprehensive, and more focused to the individual needs and aptitudes of students. It must be broad in its concept and it must use the best of what is known of teaching and learning.

The new educational technology offers many advantages to the vocational program. Program learning materials, self-study materials, video tape, films, etc., all can help to make the instruction in the vocational program more efficient and effective.

Undergirding a vocational program must be the idea of dignity of occupation, and of work; the understanding that work in our society is important to our economic health.

A vocational program in the school must not be something "less than"; it must have the quality of space, staff, and image, equal to that which the other programs have in the school and community.

JERRY D. WORTHY

Mr. SPARKMAN. Mr. President, yesterday, March 10, Jerry D. Worthy, Director, Federal Savings and Loan Insurance Corporation, died at Fairfax Hospital, Virginia.

Jerry Worthy was a friend of mine, and I join with his family and many friends in mourning his passing. He would have been 40 on June 11 of this year.

Jerry was a native of Alabama. He was born on Sand Mountain in the little community of Fyffe in De Kalb County. He attended Auburn University and graduated from the Law School at the University of Alabama in 1952.

Jerry Worthy was a natural leader. While at University of Alabama, he was president of the student government association. After graduation he moved to

Sylacauga, Ala., where he was active in legal and banking circles. He was a past president of the junior bankers section of the Alabama Bankers Association and a former vice president and director of the Sylacauga Chamber of Commerce. In 1961, he was named Man of the Year by the Civitan Club and Young Man of the Year by the Jaycees in 1962. In May of 1962, he was appointed deputy director of the Small Business Administration's Atlanta, Ga., regional office serving the Southeastern States. Mr. Worthy did an outstanding job in that capacity and in August of 1964 he came to Washington as the assistant deputy administrator for financial assistance for the SBA. On March 16, 1965, he was sworn in as Director of the Federal Savings and Loan Insurance Corporation.

In announcing Mr. Worthy's appointment, John Horne, the Federal Home Loan Bank Board Chairman, recognized Jerry's dedicated public service when he said:

> The outstanding executive ability that he demonstrated at SBA and his broad knowledge of sound, businesslike lending practices make him well qualified to serve as director of the Federal Savings and Loan Insurance Corporation—a key position on the Board's staff.

Jerry Worthy was, indeed, a devoted public servant. He was a man of honor and integrity. To lose a man with so much of his career ahead of him is truly a tragedy. His service and leadership will be missed, and to those of us who counted Jerry as a personal friend his loss is doubly grievous. My heartfelt sympathy goes out to Jerry's widow, Mary, and his three children, Billy, Mary Jo, and Martha.

COMMENDATION OF SECOND ANNUAL REPORT: "MARINE SCIENCE AFFAIRS—A YEAR OF PLANS AND PROGRESS"

Mr. FONG. Mr. President, it has been but a year and a half since the 89th Congress passed, and the President signed into law, the Marine Resources and Engineering Development Act of 1966.

This law, which I was privileged to cosponsor, established the first national policy to intensify the study of the sea and to convert its potential to mankind's use. It designated the President as responsible for Federal marine science activities. It gave Federal programs in this area greater momentum and sharper direction. And it created two bodies, a Presidential Commission of distinguished citizens, and a National Council, under the chairmanship of the Vice President.

The Marine Sciences Council has just published its second annual report, entitled "Marine Science Affairs: A Year of Plans and Progress."

This document clearly and interestingly shows that all of the agencies of the Federal Government have made significant strides during the past year. Its 228 pages list accomplishments and demonstrate that this Nation is using the oceans more effectively in meeting the goals and aspirations of our Nation.

This report highlights opportunities deserving special emphasis and requests $516 million for marine sciences included in the President's fiscal year 1969 proposals to the Congress.

In the state of the Union address on January 18, the President said:

> This year I shall propose that we launch with other nations an exploration of the ocean depths to tap its wealth and its energy and its abundance.

Last Friday, in his message entitled "To Renew a Nation," he announced that he had "instructed the Secretary of State to consult with other nations on the steps that could be taken to launch an historic and unprecedented adventure—an international decade of ocean exploration for the 1970's."

Today, in the second annual report on marine science affairs, the President pledges the United States to work to strengthen international law, encourage mutual restraint among nations, and seek international arrangements to insure that ocean resources are harvested in an equitable manner.

An international decade of ocean exploration for the 1970's is a most exciting and challenging concept. It is now but the germ of an idea.

The President asks, in his marine science program for fiscal year 1969, $200,000 to accelerate our efforts to expand international cooperation in ocean exploration. He proposes a total budget of $8.2 million for all aspects of international cooperation and collaboration.

The second annual report on marine science affairs appropriately devotes its first detailed chapter to "Expanding International Cooperation and Understanding." Each chapter begins with a literary quotation, and, again appropriately, this discussion takes its theme from Alexander Pope, who said, "Seas but join the regions they divide."

I commend to the attention of every citizen this excellent report published by the National Council on Marine Resources and Engineering Development, which the President has just transmitted to Congress.

LIBERTY AND THE LAW

Mr. MORSE. Mr. President, the Bill of Rights is so fundamental to a living democracy that many of us take it for granted that it is understood by all.

But this, unfortunately, is not the way things are. Liberty is challenged daily at home as abroad.

I invite special attention to a joint project by the Oregon State Bar Association and Portland, Oreg., public schools which has earned the American Bar Association's Award of Merit. Teachers and lawyers working together are making the Bill of Rights a living, vibrant concept for a growing generation of young Americans.

The November 1967 issue of the PTA magazine contains an excellent summary by Jonathan V. Newman on "Teaching the Bill of Rights." I ask unanimous consent that it be printed in the RECORD at the close of my remarks. I commend all who have participated in the development of this project—the teachers and the lawyers. Even more, I urge that it be extended to other communities. For as our people through knowledge understand their precious freedoms and their obligations to society, America will remain the land of the free.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TEACHING THE BILL OF RIGHTS

(By Jonathan U. Newman)

Widely used in the high schools of Portland, Oregon, is a textbook of case studies in the Bill of Rights. Called *Liberty and the Law*, it was published in 1966 as a joint project of the Oregon State Bar Association and the Portland public schools.

We lawyers probably went at the project backward. We undertook it without solving any of the financial problems in advance, and we prepared all the materials before seeking a publisher. We took the gamble that our work would be satisfactory. The American Bar Association thought it was indeed satisfactory, for in the summer of 1965, before publication, it conferred on the Oregon State Bar its annual Award of Merit.

Impetus for the project came in 1964 from Ronald O. Smith, supervisor of social studies for the Portland schools. He asked the Oregon State Bar if it would be interested in preparing case-study materials that could be used by Portland teachers in presenting constitutional concepts. His invitation was timely. In mid-December, in recognition of Bill of Rights Day, a number of lawyers conducted one-hour classes in many schools of the Portland metropolitan area. From our experience several things emerged clearly: Teachers wanted to improve methods of teaching the Bill of Rights; they did not feel they had adequate materials; and students responded best to actual cases.

Real cases stimulate questions and discussion. Students prefer them to hypothetical ones. In one class, for example, I talked about the right to counsel. Students sat up alert and attentive when I gave them the actual facts of a midnight interrogation of a twenty-year-old indigent suspect in a murder and his subsequent confession—all before he was brought to a magistrate and when he was without counsel.

Agreed on the value of the case-study method, our project committee of lawyers and teachers proposed to prepare ten study units. There was no magic in the number ten; we just thought it was sufficiently ambitious for our resources.

For each unit we planned to have a short introduction; the facts of a leading constitutional decision; a series of questions raised by the facts, which would be the basis for classroom discussion; selections from the court's opinion in the case; and, if desirable, supplemental readings. Our objectives were to provide a basis for vigorous classroom discussion, develop analytical and critical thinking in the area of the Bill of Rights, foster an understanding of what the Bill of Rights is and its importance, and give a sense of what courts do and of the roles of courts and lawyers.

We agreed not to avoid controversial cases. In fact we welcomed controversy as a stimulus to discussion. Since we did not want students or teachers to think courts were all of one mind or knew all the answers, we decided to use, insofar as practical, cases in which the court was divided.

The lawyers on the committee drew up first drafts of several units and gave them to the teachers for comment. It was immediately apparent that the teachers would be of great help in testing the materials in the classroom but that they did not have time to help write them. We discovered too that many social studies teachers, like their students, are really unfamiliar with constitutional materials. The actual writing of the units therefore fell to the lawyers.

As we worked, a number of problems cropped up. For example: How comprehensive should we be? How could we avoid mak-

ing our questions too difficult? We decided to accept the proposition that most students wish to be challenged, but we tried to temper our enthusiasm with common sense.

Language was a problem. We eliminated legal terminology in our statements and questions. We selected from court opinions with care. Even so, teachers on several occasions emphasized that students had difficulty. Nevertheless we wanted students to read the language of the courts and particularly of our great judges. We wanted them to see that courts can be divided and can change their minds. We felt that often it was best to let students read a court's reasoning for themselves. Some of the most eloquent statements of our democratic ideals are to be found in the opinions of our judges; they are too good to miss.

During the 1965–66 school year the project benefited greatly from two in-service teacher training courses of ten two-hour weekly sessions each. Each lawyer responsible for writing a unit taught that unit. The teachers in turn taught several units in their own classrooms and gave us their own and their students' evaluations of the materials. As a result some units were revised, some completely rewritten.

And now we come to the heart of the matter—the content of the ten units.

In the first unit, "Right to Counsel," we use the *Gideon*, *Escobedo*, and *Miranda* cases. We want the students to consider that under our Bill of Rights the purpose of the criminal law is not to convict but to try the accused fairly. We want them to see that this is the object whether the accused is probably guilty or clearly innocent, whether he is rich or poor, popular or unpopular. We also try, without getting into technicalities, to show the importance of a lawyer in all stages of a proceeding—to uphold a complex of rights guaranteed by the Bill of Rights. The questions, designed to stimulate discussion, we believe are challenging. Here are some of them:

Why does Justice Black say that the state must provide a lawyer for a person charged with a serious crime if the person cannot afford a lawyer himself?

Assume that a lawyer who consults with a client in custody will advise his client to be silent. Do you think this will make it more difficult for the police to solve the crime or to convict the guilty person? Is this important?

Justice Goldberg said that when the rights of the accused are set against the importance of police interrogation, the Constitution "strikes the balance in favor of the accused." What does this mean? Why do you agree or disagree with it? What means, other than confession of the accused, do the police have to obtain evidence of wrongdoing?

Assume that Gideon actually did commit the burglary. Should it matter, then, whether he had a lawyer? Give your reasons.

In the unit on "The Privilege Against Self-Incrimination" we use five cases: the *Blau* case, upholding the exercise of the privilege in a grand jury inquiry concerning Communist Party membership; the *Albertson* case, concerning registration of a Communist Party member under the Subversive Activities Control Act; *Griffin v. California*, invalidating any comments by state prosecutors on the defendants' failure to take the stand; *Slochower v. Board of Education*, involving a college professor who was discharged for pleading the Fifth Amendment before a Congressional investigating committee; and *Miranda*. Here are some of the questions we ask:

Do you agree with Justice Clark that the exercise of the privilege should not "be taken as equivalent to a confession of guilt"? Why?

Do you think government employees should be fired for "taking the Fifth"? Would your answer be different if the person fired was a college teacher, a teacher in a public school, a teacher in a private school, a street cleaner, a policeman?

Would your answer depend upon whether the questions being asked the employee concerned sale of narcotics, gambling, membership in the Communist Party, membership in the Ku Klux Klan?

In "Searches and Seizure" we use a fascinating Oregon case in which the police arrested a speeding driver, searched the car without a warrant, and found the loot of a bank robbery. We ask the students:

Assuming the defendants were guilty of bank robbery, does it make any difference whether the evidence used to convict them was legally seized or not?

Why does the law require that the police obtain search warrants from a judge rather than the chief of police? In what way are individuals protected by the requirement that police obtain a search warrant?

To examine the problems of electronic eavesdropping we take the *Silverman* case, in which the police used a "spike mike" in a neighboring apartment and overheard incriminating talk about gambling. We want the students to consider the importance of privacy and also the need for effective law enforcement. Some of the questions:

If you were writing the Bill of Rights today, how would you write the Fourth Amendment? Do you think that requiring a search warrant is wise today? Can the police effectively enforce laws against organized crime if they are not allowed to use electronic equipment without first obtaining search warrants? Are there other means to detect crime which do not invade privacy?

The interrelationship of the three units I've just discussed is apparent. They concern procedural due process. In these units quotations from the opinions of the courts are quite short. Facts and questions are the basic tools.

The unit on freedom of expression was the most difficult to write. We finally decided to use Brandeis' great statement in the *Whitney* case as an umbrella under which to consider the arrest in 1949 of a street-corner speaker for the Progressive Party (*Feiner* v. *New York*); the arrest in 1961 of student demonstrators protesting segregation; and the arrest in 1934 of a Communist who assisted at a meeting sponsored by the Communist Party to protest Portland police activities.

Of the Feiner case we ask the students:

What dangers, if any, do you see in preventing Feiner from finishing his speech? Do you think that free discussion is the best protection against doctrines which are harmful or hateful? Why?

Do you think Feiner's speech furthered the search for truth? Should his right to continue speaking depend on whether his speech furthered that search?

Do you think that if the government allows free criticism, people will be more likely to solve public problems by peaceful means than if the government prohibits such criticism? Why?

Should a person's right to speak depend on how many police are present or available to maintain order? On how violent or angry the crowd may become against the speaker because of what he says? On whether the speaker persuades the audience to do illegal acts at once?

The unit also contains a series of questions on the problem of obscenity—what obscenity is, who should decide whether a work is obscene, why obscenity should be regulated and, if so, how.

Our unit on "Free Press—Fair Trial," I think, is still useful, although the United States Supreme Court has decided the *Sheppard* case since it was printed. We use the *Irvin* case involving outrageous pre-trial publicity to introduce such questions as these:

If Irvin was really guilty, . . . does it make any difference whether he had a fair trial or not?

If you think there should be limits before trial on what the news media report or what lawyers for the prosecution or the defense release to the news media, who should impose the limits?

Using the *Estes* case for considering publicity during trial, we ask, among other questions:

Do you think television cameras in the courtroom would influence your conduct if you were a witness? A juror? One of the lawyers? The judge? Explain. Do you favor televising criminal trials? What restrictions, if any, would you suggest?

Our units on "The Flag Salute Cases" of the early 1940's and on "Church, State, and Education" concern classroom situations. The Flag Salute cases are a wonderful teaching tool. The Supreme Court changed its mind in three years, and in its second decision wrote a great essay on the reasons for a Bill of Rights. Here we had a rare opportunity to raise the most basic questions, including:

Why should the Constitution contain a Bill of Rights? What is Jackson's view? Jefferson's? Madison's? What values does our Bill of Rights protect?

Do you think it is undemocratic not to let a majority vote of the school board or the residents of the district determine whether to have a compulsory flag salute for all public school children? Why should the First Amendment forbid the majority from having its way on this public issue when it has its way on so many other issues of public importance?

In "Church, State, and Education" we use the *Engel* (the New York Regents' prayer) case, with which you are familiar, and the *Dickman* case in Oregon, barring the spending of public funds to provide textbooks for parochial schools. Among the questions:

If the majority of people in the school district wish to have the Regents' prayer recited in school, why should the First Amendment prevent it? Do you think the students were absolutely free not to participate? Why are religious exercises constitutionally permissible in a private school but forbidden in public schools?

Suppose a majority wishes to provide free textbooks to all children in parochial schools, whether those schools are Lutheran, Catholic, Seventh Day Adventist, Jewish, and so on. Should the school district be allowed to do so?

In this unit we quote extensively from the Court's opinions, for they are really essays on government. Justice Black's opinion in the prayer case is full of the underlying philosophy of the Bill of Rights. We think students and teachers should have the opportunity to study it.

The "Citizenship" unit takes up the *Schwimmer* and *Girouard* cases of pacifists who wished to become citizens but refused to bear arms, and two loss-of-citizenship cases. So much here is pertinent to today's events that I wish there were space for more than two sample questions:

Mrs. Schwimmer stated she had "no sense of nationalism—only a cosmic consciousness of belonging to the human family." Do you think such a person would make a good or bad citizen?

Justice Douglas stated that "One may serve his country faithfully and devotedly, though his religious scruples make it impossible for him to shoulder a rifle." In what ways can a citizen who refuses to bear arms serve his country—either in time of war or of peace?

"Civil Liberty and Military Necessity" uses the Japanese-American relocation cases during World War II and the Hawaiian martial law cases. Here are some of the questions:

Why do you think the Constitution provides for civilian control over the military? Did the President have the duty to determine whether the military authorities were correct that military urgency demanded that all American citizens of Japanese ancestry be segregated from the West Coast?

The unit on "Segregation in Public Schools" in some ways has a broader sweep than all the others except "Civil Liberty and Military Necessity." It examines (1) the difficulty of bringing unpopular cases to redeem constitutional rights, (2) the enforcement of judicial decisions unpopular to large segments of the population, and (3) the redress of grievances by executive and legislative action as well as by court action. It raises questions as to why courts disregard precedent.

Using the case of *Brown* v. *Board of Education* we raise these questions, among others:

Can you state in your own words what the Supreme Court meant when it said that separate but equal facilities were "inherently unequal"? Why did the Supreme Court think so?

What factors do you think influenced the Supreme Court in making its decision? From your knowledge of American history, what importance do you give to the following [a list of historical and social changes]?

To what extent do you believe it is the responsibility of others than the federal courts to further elimination of school segregation? Consider: the President, the U.S. Commissioner of Education, Congress, state agencies, local school districts, Negroes, whites. Do you think the Congress has discharged its responsibility by enacting the Civil Rights Act of 1964? What further legislation, if any, would you recommend?

In your judgment did the Supreme Court in 1954 reflect a prevailing national will? Did it create a new public opinion? Was it ahead of, or behind, the majority viewpoint?

For de facto school segregation in a northern school district we use the facts of racial imbalance in Portland schools and the steps that our school board has taken to alleviate it. We included this material for several reasons, not the least of which was that we thought those who would be most directly affected—the students—should discuss, evaluate, and consider it.

One further comment on this unit: Originally we started with the story of Elizabeth Eckford. You may have read this story, which illustrates the courage it takes to secure one's liberties, in Daisy Bates's book *The Long Shadow of Little Rock*. Elizabeth told how she was stopped at the door of the high school by state troopers and then followed by a threatening mob. The reaction of many students was that we were trying to put something over on them. Apparently the emotional impact was too great. Reluctantly we moved the story into the body of the unit.

The units are not just for seniors and top students. They have been used successfully with slower classes and with freshmen and sophomores. They bring home to students the importance of our constitutional liberties.

For lawyers of the Oregon State Bar, helping to teach the Bill of Rights has been an exciting task. The story of the Bill of Rights, despite bitter pages, is on the whole a positive and encouraging one. It contains some of the most thrilling passages in our country's history. It is a story young Americans should study.

Jonathan U. Newman is an attorney at law in Portland, Oregon. The textbook, Liberty and the Law, *has been published by the Prentice-Hall Company.*

LEADERSHIP, LAW, AND ORDER

Mr. HANSEN. Mr. President, I wish again to remind Senators that the great majority of our citizens, of all races, look to us and to their other elected officials to maintain the framework of law and order in which they can live in freedom and security. If law and order break down, there is no freedom, no security, and no progress. And this means no progress toward healing the wounds of racial intolerance or toward curing the blight and hopelessness of our great urban slums.

Yet the President and other high officials have fed rumors that law and order will not and cannot be maintained. That this is an act of political irresponsibility is clear: Mayor Cavanagh, of Detroit, has joined the list of mayors and Governors who have felt it necessary to emphasize that law and order will be maintained with all the necessary force.

The opposite assumption—that there will be more widespread violence in our cities—polarizes Americans into armed camps. The Detroit situation and Mayor Cavanagh's response to it make the point succinctly. I ask unanimous consent that a brief report on Mayor Cavanagh's speech, published in the Washington Post, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CIVILIAN ARMING WORRIES DETROIT

Detroit Mayor Jerome P. Cavanagh warned the people of Detroit yesterday that an "unprecedented arms race" by ordinary citizens carries the greatest threat of violence in the city during the summer.

He blamed the arms race on fear based on unfounded rumors of a repeat of last summer's riot in which 43 persons were killed.

Cavanagh said the action of the majority of the people, rather than the extremists, "constitutes the most clear and present danger to our common future."

The Detroit Police Department said today that it has registered 2511 handguns in the first two months of this year, more than twice the number for the same two months last year. Total gun permits issued in the seven months since the riot were 7422, compared with 6029 registered during all of 1966. Rifles and shotguns need not be registered.

Mr. HANSEN. Mr. President, the President and other leaders apparently use their predictions of violence in order to coerce Congress and the voter to go along with their programs for aiding the cities. They tell us that there will be violence unless we act on its causes.

This is, of course, true to a point. But it wholly misses the point that nothing will be accomplished to aid the cities unless it is done in an atmosphere of public order. Destruction takes place more quickly than construction—we want to go forward, not backward.

The critical responsibility for all of us in public life, especially the President, the Governors, and the mayors, is to keep order and to maintain discipline.

This is what the people demand at this time of uncertainty and turmoil: a foundation of order and discipline upon which we can build solutions to our problems. As David Lawrence points out, in the current issue of U.S. News & World Report:

Above all we need in America today a stern hand in government. The people want to see law and order preserved. They will turn out of office those elected officials who disregard this obligation, and will choose for public service persons who are willing to apply discipline—without yielding to pressure groups. Courage must replace political timidity.

I ask unanimous consent that Mr. Lawrence's entire remarks be printed in the RECORD, for I believe that they set our role and our task in perspective.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POLITICAL TIMIDITY?

(By David Lawrence)

To prescribe a cure for the ills of a country, it is important, first of all, to make sure what are the causes of unrest, insecurity, disorder and incipient revolution.

As has happened again and again in history, we overlook the obvious. We do not realize that the biggest single problem in the world today is the rapid increase in population.

With 200 million people, the United States does not now have the same economic life or environment as in 1900, when there were only 76 million. Machinery and improved methods of transportation have helped us to some extent to meet the problems of a growing population, but the challenges are even more intense than before—crowded cities, congested highways, crime, incitement to violence and manifestations of revolt.

Communication has become almost instantaneous. This has its advantages as well as its advantages. Thus, today, news of disturbances is promptly broadcast from coast to coast, and—since the provocations are not clearly defined, and the instigators go unpunished—restlessness increases. Fear is intensified.

The crucial fact that emerges repeatedly is that we do not have an effective system of discipline within our own country. Our police are insufficient. The right of free speech has been abused to the point where passions are aroused through rallies and "demonstrations." Unfortunately, too many spokesmen for government say all this will be remedied if we just pour more money into our big communities. It's a political alibi.

Appropriations for the poverty-stricken are not alone the answer. Some people will not work as long as a government dole is forthcoming. We must, of course, find ways to increase economic opportunity—to create more jobs and to train the inefficient. This is primarily a task for private industry.

We are asking ourselves, moreover, whether 50 States, with geographic boundaries which encompass varying numbers of people, could be better served by centralization, or whether a new form of decentralization, with federal supervision, is needed.

Perhaps it's time to re-examine our whole system of government. When it was conceived in 1789, we had a small number of States, and the total population had not reached four million. There were then only about five persons for each square mile of the nation's land area, whereas today there are more than 50 per square mile. Our total population has multiplied 50 times.

We shall move close to the 250-million figure in the next few decades. What are we doing to prepare for it? Failure to anticipate population growth thus far is perhaps the biggest single mistake we have made.

We have belatedly discovered that the States cannot supply, for instance, all the funds needed for education and urban renewal. The Federal Government is annually allocating big sums also for other aid to the States, some of which are lacking in economic resources. This is being called the "new federalism."

But theorizing about a revision of our governmental system to meet our present needs will not be of much avail unless we recognize the necessity of maintaining discipline in the communities of our land.

The Supreme Court at one time ruled that "freedom of speech" does not include the right falsely to cry "Fire!" in a crowded theater and create a panic. Yet today the leaders of activist organizations, claiming the immunity of "freedom of speech," deliberately inflame audiences in different parts of

the country and incite people to riot and disorder. Police systems are not strong enough to deal with the impassioned mobs.

Crime has increased largely because individual discipline has broken down. Parents have neglected the care of children in the formative years. We now have more criminals than ever before, particularly among young people. They come from all kinds of families—the privileged and the underprivileged.

As population grows, the ingenuity of the human mind can and must devise ways to make self-government efficient. But we can never succeed without the use of an effective discipline—a large enough police force, both national and State, to deter crime and make homes and streets safe, night and day. No people can live happily if they must live constantly in fear.

A presidential commission was appointed to investigate riots, and it came up only with generalities. Nothing was said about the failure to prosecute agitators, especially those leaders who are frequently quoted in the press and on the air as threatening violence. Their words are widely publicized. But the politically minded persons in federal, State and city governments are usually afraid to take the law violators into court.

Above all, we need in America today a stern hand in government. The people want to see law and order preserved. They will turn out of office those elected officials who disregard this obligation, and will choose for public service persons who are willing to apply discipline—without yielding to pressure groups. Courage must replace political timidity.

SENSIBLE TALK ABOUT THE WAR IN VIETNAM

Mr. CHURCH. Mr. President, in view of the nature of the presidential primary campaign in New Hampshire, where the distinguished Senator from Minnesota [Mr. McCARTHY] is being subjected to shameful abuse for his willingness to debate the issue of Vietnam, it is refreshing that a newspaper of the stature of the New York Times has placed the issue in perspective.

In an editorial published on March 10, the Times notes that Senator McCARTHY "is winning support because he is willing to talk sensibly and calmly about Vietnam."

Mr. President, there is no room today for the type of campaign that has been directed against Senator McCARTHY. Character assassination should have no place in the American electoral process.

I commend the editorial to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A MAN FOR THIS SEASON

Senator Eugene McCarthy's campaign is steadily gaining in strength and significance. His showing in the precinct and ward conventions in Minnesota last week was unexpectedly strong. President Johnson's refusal to run in person or through a proxy candidate in Massachusetts defaults that state's votes to Mr. McCarthy for the first ballot at the Democratic National Convention. These developments have heightened interest in Tuesday's primary in New Hampshire.

Every serious political campaign represents an interaction between the candidate and the issues. Senator McCarthy, comparatively little known on the national scene, is tapping a sizable vein of antiwar sentiment. He is winning support because he is willing to talk sensibly and calmly about Vietnam, the subject that is most on the minds of the electorate, and is willing to submit his beliefs to the judgment of the voters.

The McCarthy campaign appears novel because so many Americans have become accustomed to political campaigns in which issues are ruthlessly subordinated to personalities. It is rare and refreshing for a man to be more concerned with his ideas than his image. Mr. McCarthy is not merchandising himself as if he were a popular singer or a new brand of detergent; he is not seeking support because he has an attractive wife or children or dog or any other irrelevancy.

What is remarkable, however, is that so many of Senator McCarthy's own supporters who agree with him on the Vietnam issue are so ready to complain about what they regard as his deficiencies as a campaigner. It is as if, having made up their minds on the subject of Vietnam, they only want a spokesman who will ventilate their emotions by shouting slogans and making fiery attacks.

But surely the Vietnam debate is already too envenomed by passion and rancor. What is needed is a man who will, in Adlai Stevenson's phrase, "talk sense to the American people"—and that means talking sensibly and calmly and treating audiences as adults capable of comprehending complexity. That is what Senator McCarthy is doing and what he deserves great credit for doing. If he underplays his points and occasionally trails off into vague inconsequence, that is—or ought to be—preferable to the more usual escalations into bombast and simplemindedness. A man of wit and of learning and of decent respect for the opinions of others, he is a man for this season of emotionalism.

Politics is normally defined as the art of the possible. It is the purpose of the idealist in politics such as Senator McCarthy to expand the boundaries of what is thought possible. Regardless of the outcome in New Hampshire or in the later primaries in Wisconsin and California, Senator McCarthy has no reasonable chance of winning the Democratic nomination—as he himself has recognized from the outset. But a series of McCarthy victories or near-victories in primaries and state conventions could conceivably alter President Johnson's perception of public attitudes toward the war and therefore his management of the conflict.

Like any man who has ever run for political office, President Johnson has a healthy respect for the ballot box. An outpouring of McCarthy support may convince him of the deepening public conviction that the war cannot be won in the terms in which he is trying to win it. A Johnson change of viewpoint on the war is not probable, but it is more clearly within the realm of the possible than it was before Eugene McCarthy began to campaign.

Senator McCarthy has succeeded in making a negotiated settlement in Vietnam a more credible alternative simply by campaigning for such a settlement. He has removed the issue of the war from the sideshows of controversy to the main tent of politics where the two great parties contend. For all citizens, but particularly for students and young people, he has provided constructive political leadership in a hard, confused time. For that service alone he commands the respect and gratitude of all who cherish democracy.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia, Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ERVIN. Mr. President, I was very much intrigued by a question propounded by an editorial in the Washington Post of this date. The question is, What good was accomplished by the filibuster against the pending bill?

Mr. President, as a matter of fact, much good was accomplished by the filibuster against the pending bill. When the open-occupancy proposal was first proposed in the Senate, it contained provisions which constituted as rank a prostitution of the judicial process as has ever been put forward in this Nation. The original Mondale substitute provided that the Secretary of Housing and Urban Development was to be charged with the responsibility for enforcing the open-occupancy provisions of that proposal.

It further provided that the same Secretary was to investigate alleged violations of the Mondale open-occupancy proposal. It further provided that the same Secretary should be authorized to receive complaints from others and to prefer complaints on his own behalf of violations of that proposal. It further provided that in addition to making charges, the same Secretary would act as prosecuting attorney and present the case based upon alleged violations of the proposal.

It further provided that, in addition to acting as prosecuting attorney, the same Secretary was to act as the jury and pass upon the factual validity of the accusations made by himself. It further provided that the same Secretary should act not only as the prosecutor and as the jury, but that he also should act as the judge and judge the legal validity of the complaints preferred by him and pass on the truthfulness and validity of the testimony presented by him as prosecutor; and also he would make the judicial adjudication based on the verdict returned by him on the evidence presented by him in respect to a charge preferred by him, after an investigation conducted by him.

Of course, the proposal did provide the Secretary could designate somebody else to perform these functions. But the proposal to combine the conflicting and in-

consistent roles of prosecutor, jury, and judge in one man is as rank a proposed prostitution of the judicial process as has ever been presented to any legislative body in a nation which professes to be a nation where there is belief in equal justice under law.

Mr. President, the removal of this proposed prostitution of the judicial process is one of the good things which was done by the filibuster. Instead of having all controversies arising under the open occupancy provisions of the pending bill judged by one man, an executive officer, performing the combined functions of prosecutor, jury, and judge in one department on the banks of the Potomac River, we now have a bill which provides that controversies arising under the open occupancy provisions are to be judged by impartial judges sitting in all of the Federal districts throughout the length and breadth of the land.

Mr. President, I would say to the propounder of the question that that change in procedure would have been worthwhile, if it had taken a year's filibuster to accomplish it and prevent the originally proposed and contemplated rank prostitution of the judicial process.

There is another great good which was accomplished by the filibuster. If this bill should finally pass and become law in its present form, it will contain an amendment proposed by the senior Senator from North Carolina giving constitutional rights for the first time in our history to the original Americans, the Indians now dwelling upon their reservations.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield or a question?

Mr. ERVIN. I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding. I hope I have not interposed my question at the wrong time. Was I not one of the cosponsors of the original amendment?

Mr. ERVIN. Yes. The Senator has cosponsored all of the bills that have been introduced to give constitutional rights to the American Indian and he has been a fighter in their behalf for the enactment of these bills.

Mr. BYRD of West Virginia. I thank the able Senator.

Mr. ERVIN. Mr. President, the Senator from West Virginia [Mr. BYRD] also merits the thanks of the American people for persuading the Senate to adopt his amendment to the bill which restores to the owners of single-family dwellings the right to do with their own as they please.

Mr. President, if this provision remains in the bill and the bill is finally enacted into law, it will give constitutional rights to people who have been denied constitutional rights throughout our history simply because they did not have sufficient voting power to make politicians believe that trying to put them on some sort of equality with other Americans was a worthwhile task.

There is another great good which was done by the filibuster, and that was the adoption of an amendment offered by the distinguished junior Senator from Georgia, and an amendment offered by myself, which were approved by a majority of the Senate on rollcall votes and which give assurance to law-enforcement officers, to members of the National Guard, and to personnel of the Regular Army, that when they were called out on account of the inability of civil authorities to maintain law and order to suppress riots, they will not be prosecuted under the provisions of the bill. I think that is a great good because the bill in its original shape would have authorized the prosecution of law-enforcement officers, National Guardsmen, and Regular Army personnel called necessarily upon to use force in the suppression of riots, to the charge that in so doing they violated the provisions of the bill and were guilty of one of the newly created crimes defined by the bill. I think that was a great good and, of itself, was sufficient to justify what I would call unlimited or educational debate. Others, sometimes, call them filibusters.

Incidentally, Mr. President, there is a profound distinction between an educational debate and a filibuster. If those who are speaking at length express our views, it is an educational debate. If those who are speaking at length express views which we do not entertain, it is a filibuster. That is the difference and the only difference between a filibuster and an educational debate.

The filibuster caused other good provisions to be inserted in the bill. I refer to the antiriot provisions which will indicate, if the bill is finally enacted into law in its present form, that Congress is at long last as much concerned with the numerous murders committed in Newark, N.J., and Detroit, Mich., as it has heretofore rightly been with a much smaller number of atrocious murders committed in Mississippi.

I think that was good because it indicated that, after all, a majority of the Members of the Senate whose votes were recorded on the rollcalls in favor of the antiriot amendments do entertain the concept that there should be equal justice under law and that all men who violate the law should be held accountable for their misdeeds.

Another good which was accomplished by the educational debate, or filibuster as one may prefer to call it, was the incorporation in the bill of the amendment offered by the distinguished Senator from Georgia [Mr. TALMADGE] which added to those intended to be protected by the bill the small businessman who happens to live in an area where riots occur and looting is pursued. This amendment does much good by extending the protection of the Federal criminal law as set out in title I to those who, heretofore, had no protection at the hands of the Federal Government and whose life earnings were often swept away by those not seeking rights but availing themselves of opportunities to commit larceny.

I think the educational debate, or filibuster as we may be pleased to call it, did some other good, in that it showed there are still in the Senate some Members who believe in Government according to the Constitution as the Constitution was originally written and originally interpreted. It showed that there are some men in the Senate who believe that under the Constitution the Federal Government has no power to regulate the titles to real estate or to rob supposedly free Americans of their rights to control, use, and dispose of their private property according to their own desires.

The educational debate, or filibuster, also showed there are some Members of the Senate who have not yet succumbed to the disease known as "Potomac fever." This is a disease which is all too prevalent in Congress. Senators and Representatives who succumb to the disease believe that the people who sent them here do not have sufficient intelligence to manage their own affairs, and that the management of their affairs should be transferred from themselves and the local governments in the areas in which they reside to a centralized Federal Government on the bank of the Potomac River, far removed from the localities in which a great majority of the American people live, move, and have their being.

I think that the educational debate, or filibuster, also accomplished good in that it showed there are still men in the Senate, though they may be in the minority, who believe that Woodrow Wilson understood the Constitution of the United States, and its reasons for dividing the powers of Government between the Federal Government on a national level and the State government on a local level, and for reserving certain powers to the people themselves to manage their own affairs.

I will invite the attention of the Senate in a moment to a statement made by Woodrow Wilson, who understood the Constitution, and why it was written, better than any other man who ever occupied the White House at any time in the history of this Republic.

Woodrow Wilson understood what Justice Harlan means when he said:

> The basic tenet of our political system is that a free society is best assured by diffusion of governmental power.

Now I read Woodrow Wilson's statement:

> Liberty has never come from the government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties.

During recent years the Congress of the United States has done more to concentrate the powers of Government in Washington than it had done throughout the previous history of this Nation; and in so doing it has done more in recent years to destroy the freedom of the individual in the United States than all of the Congresses of the past.

So I think the debate showed that there are still some men in public life in America who recognized that the concentration of power in the Federal Government in Washington is incompatible with the retention of the liberties of the American people, and who still prefer that America should remain the land of the free rather than become the land of the regimented.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I want not only to congratulate warmly the Senator from North Carolina for his having outlined for the record many of the most meaningful changes that were accomplished during the course of the educational debate now ending, but also to thank him for the leadership which he has given all the way through, in committee and on the floor, in the effort to see that greater reason prevailed than was present in the original bill and in the original open-housing amendment as offered by the Senator from Minnesota [Mr. MONDALE] and the Senator from Massachusetts [Mr. BROOKE].

Mr. President, I shall not go over the whole ground that has been covered so ably by the Senator from North Carolina. I want, though, first to add one more good result that I think was accomplished in the debate which he did not get to or had overlooked, and that was with reference to the exemption of the sale or rental of most homes, or dwellings. There was no exemption whatever applicable to this field in the original open-housing amendment so unfortunately offered as to include all dwellings and homes, regardless of the fact that right now, at this very moment, there are 3½ million American men under arms and away from their homes, and in many instances their families are having to live with their in-laws, and regardless of many other facts which have been brought out in this debate.

I want to call attention briefly to what I think is the roll of honor of the men who have offered the most meaningful amendments which have tempered and moderated this legislation as it now has taken final form.

First, I have already mentioned my distinguished friend, the Senator from North Carolina. I think he should head the honor roll.

Second, I want to mention the distinguished Senator from Illinois [Mr. DIRKSEN]. We have already almost forgotten the fact that he headed the compromise effort which made very meaningful changes in the legislation as it then was pending, and other less meaningful ones. I mention only two.

First, we got away from, in his substitute amendment, the unfortunate—and I think completely unconstitutional—provision mentioned by the Senator from North Carolina, under which the Secretary of Housing and Urban Development would have been given such great and such broad powers as to make of him everything from investigator down through prosecutor, jury, and judge, as the Senator from North Carolina has stated. The Senator from Illinois is entitled to credit for having restored judicial power to the courts in this important field, as it should be in every other; and I want to put him high on the roll of honor for that reason.

He has also restored power to an owner of a dwelling, an owner of a home, to sell through his own devices, through his own means, and to rent or lease that home.

There are other changes in the substitute amendment, but those two are the two most meaningful ones; and I think the Senator from Illinois should appear on the roll of honor because of those two.

Mr. President, to call the roll a little further, I want to call attention to the fact that the Senator from Georgia [Mr. TALMADGE] was, along with the Senator from North Carolina [Mr. ERVIN], a leader in seeing that officers, whether they be civil officers or military officers, who were engaged in trying to control riots and rioters would be exempted from the provisions of this bill. The Senator from Georgia also had the amendment mentioned in the effort to protect owners of stores and of other property from unlawful acts in the course of demonstrations and riots in which individuals would throw molotov cocktails and the like.

Likewise, the Senator from Louisiana [Mr. LONG] had proposals in that same field.

Mr. President, the Senator from South Carolina [Mr. THURMOND] and the Senator from Ohio [Mr. LAUSCHE] and the Senator from Louisiana [Mr. LONG] were leaders in one or the other phases of the antiriot provisions that were so properly written into this legislation. I place them high on the roll of honor.

Mr. President, in addition to the efforts made by the Senator from Illinois with reference to homes, there was an enlargement of exemption in the sale, rental, and leasing of homes or dwellings accomplished under the amendment offered by the Senator from West Virginia [Mr. BYRD], and I want to put him on the roll of honor.

Mr. President, there are some who should be placed on the roll of honor whose amendments were not adopted, but who, nevertheless, made fights that are well worthy of being preserved; and I wanted to mention one or two of those Senators.

One of them was the Senator from Tennessee [Mr. BAKER], who endeavored to make fuller the exemption of the sale or rental or leasing of homes than was provided in the Dirksen substitute by allowing the use of ordinary commercial agencies, as, for instance, real estate brokers, in the sale, rental, or leasing by those agencies.

There were others who offered highly meaningful provisions, as the Senator from Iowa [Mr. MILLER] did; and I pay him tribute.

Mr. President, I am so glad that the Senator from North Carolina has continued his educational process long enough today to list most of the most meaningful amendments and changes and the most worthwhile provisions which are the direct results of the educational debate, or filibuster—and I do not care whether you call it one or the other. The fact is that the legislation in its final form here is no more like the arbitrary, prejudicial legislation which was offered in the beginning and the amendment which was offered by the Senators from Minnesota and Massachusetts than day is like night. And I am very glad, indeed, that he has continued the educational process. Whether it was for the purpose of educating editorial writers or simply preserving in the RECORD a summary of what has been done in the course of this debate, I do not know, but I think it was a highly worthwhile activity, and I commend him.

As I have already said, I place him at the head of the honor roll.

Mr. President, I yield the floor.

VACATION OF ORDER FOR RECOGNITION OF SENATOR STENNIS ON THE ETHICS RESOLUTION AND SUBSTITUTION OF ORDER FOR RECOGNITION OF SENATOR SPARKMAN ON GOLD COVER BILL

Mr. MANSFIELD. Mr. President, on Friday last, I asked unanimous consent that at the conclusion of morning business on Tuesday, tomorrow, the distinguished Senator from Mississippi [Mr. STENNIS] be recognized for the purpose of calling up the resolution on ethics which it was hoped would be reported by the committee at that time.

I ask unanimous consent that that order be vacated, and that instead, at that time, the distinguished Senator from Alabama [Mr. SPARKMAN] be recognized for the purpose of calling up Calendar No. 987, S. 2857, a bill to eliminate the reserve requirements for Federal Reserve notes and for U.S. notes and Treasury notes of 1980.

Mr. STENNIS. Mr. President, reserving the right to object, will the Senator from Montana yield to me?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, will the Senator yield to me for a moment?

Mr. MANSFIELD. I promised to yield to the Senator from Mississippi. If the Senator from Mississippi will permit it——

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I must yield at this point to the Senator from Mississippi.

Mr. HOLLAND. I understand the situation.

Mr. STENNIS. Mr. President, the Secretary of the Treasury has consulted with the Senator from Montana, the Senator from Alabama, and me with reference to a desire to have the Senate consider the bill having to do with our gold reserves, and it is considered highly important that it come before the Senate at the earliest possible time.

The select committee has been working and planning to get this matter of the code of ethics before the Senate as soon as we could, and had made arrangements for all members to be here this week. But under these pressing circumstances, we would be happy to yield for consideration of the gold bill, with the understanding—directing my remarks to the attention of the majority leader—that when action on that bill is finished, we return to the matter of the resolution.

Mr. MANSFIELD. Mr. President, if the Senator will yield, he has my assurance that that will be done. I am indeed sorry that it will not be possible to take up the ethics resolution tomorrow; but it is my further understanding that the committee itself is not prepared to issue its report fully and completely at this time.

Mr. STENNIS. Well, there was, as I told the majority leader this morning, a matter I discovered last night of some language which I think is too obscure, on a vital point, which is going to require redrafting, and we are in the process of working on that now. This will give us time to revise that language in the resolution proposed.

So I do hope there will be no exception made, and I understand that the majority leader is prepared to state that there will be none, and that we will return to that matter following disposition of the gold bill. We will at that time be ready.

Mr. MANSFIELD. Yes, the Senator has my assurance of that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. MANSFIELD. Now, Mr. President, in response to what I think the Senator from Florida has in mind, I announce that it is our intention to take up the supplemental appropriation bill today.

Mr. HOLLAND. I thank the distinguished Senator. That bill is of no personal consequence, but it is of tremendous urgency in many areas. I am sure that the chairman of our committee would advise the distinguished majority leader that the matter is one whose passage is of immediate importance.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Will the Senator withdraw that for a moment?

Mr. BYRD of West Virginia. I withdraw it.

THE ETHICS RESOLUTION

Mr. STENNIS. Mr. President, in connection with the report and resolution on ethics just mentioned, it is to be understood by everyone, including the press, that the revision of the resolution will be completed and the revised resolution placed before the Senate before the debate starts.

As I understand, then, Mr. President, the gold reserve bill will be taken up at noon tomorrow?

Mr. MANSFIELD. At the conclusion of morning business, yes.

Mr. STENNIS. I have a few remarks to make on the pending measure.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Mississippi yield for that purpose?

Mr. STENNIS. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. STENNIS. Mr. President, regarding the pending matter, and the impending vote with reference to the bill that has been under debate, I feel, frankly, that the Senate is on the verge of making what I think would be a tragic error; and I believe further that history will record that error.

I wish to be clear and positive that I oppose this measure in most of its major particulars, and that I have been one of many who have worked to avoid it. I believe, particularly with reference to the passage of this open-housing legislation, that it will prove to be a grave mistake, and one of the gravest that the Senate has ever made. It will be a surrender of responsibility, in a large measure, as I have pointed out earlier, by this legislative body, in that it surrenders to the head of a department of the Government almost unlimited powers. I will have no part of it and I am confident it will be repudiated, eventually, by the people in overwhelming numbers at the polls.

The powers surrendered have been limited somewhat in the so-called Dirksen amendment, but the basic principle is being violated, and the power, in a large measure, is still there. Under the prevailing sentiment at present that is causing this bill to be passed, that power will be enlarged. I am talking now about the power granted to the Secretary of Housing and Urban Development.

I note, Mr. President, that the time has arrived when these vast departments, with their great sums of money and the very fine talents at their disposal, use every possible interpretation of such power that we grant them to the utmost. Every line, every phrase, every sentence of the bill will be used to the maximum extent possible. Every possible use of what the report says with reference to those powers will be stretched to the utmost, and even in the application of the law, they will pick out sentences and paragraphs from speeches made here on the floor of the Senate as a part of the legislative history, and use that to the limit to enlarge their powers in carrying out their personal concepts of the bill and their powers thereunder.

This bill strikes down one of the basic rights of all American citizens—the right of ownership over his private property. Rights which heretofore had rested secure in the Constitution now hang on the sufferance of the Secretary of Housing and Urban Development. By this bill the unquestioned right to use, enjoy, and dispose of what one has acquired through his own honest labor is converted into a doubtful privilege dependent upon the favor of Government. Every man's home becomes another prize within the gift of government which may be bargained away for political advantage. Court suits and enforcement campaigns will be launched like Government poverty programs, where they will do the most political good.

Mr. President, I am not talking through my hat on this matter. I have had administrators, responsible and honest men in other departments, tell me that that is exactly what they do, and that they think it is their duty and their responsibility. This time, we are not going to be operating on a school board or a State department of education, or anyone who is backed by the attorney general of his State, or, indeed, anyone who is capable of employing competent legal aid. We are going to be operating on the so-called little fellow, the individual, the man without resources, the man with this little home, or perhaps two or three dwelling houses he may happen to own. Perhaps that is all the property that he has been able to accumulate. He will not have a chance to stand before this powerful bureaucracy that we have built up here and given all this power, and will, in the future, appropriate the vast sums of money for it to be carried out.

Once the principle of government control over private homes is established it will grow and expand, consuming whatever rights may remain in its way. The same zealous forces which are behind this bill will be behind its enforcement. There will be a constant pressure to cut down exceptions, tighten up exemptions, and reach out into new areas. Every protest demonstration will call forth a harsh new interpretation of the rules against the homeowner. Every riot will bring about a stringent revision of the regulations. Every close election will be the occasion for extending government control still further.

In the end, even those whom this special legislation favors, will be the losers along with all other Americans. The homes they may acquire will be no more secure in their hands than they are in the hands of the present owners. The rights of the new owners will be clouded over by the shadow of government. The web of regulations and redtape, the threat of suits and investigations, the uncertainty of right and title, will fall also on the new tenants, and the taxes to sustain this harassment will have to be paid out of their pockets too.

This bill purports to be a compromise. It is a compromise only in the sense that it purports to compromise the rights of some fewer homeowners than the original bill. It is a compromise of principle for political expediency. It compromises the sanctity of every man's home to gratify the passions of a few extremists.

It purports to be based on high principles, but the only principle I can find in it is that the end justifies the means. It purports to give due protection to personal rights over mere property rights. Such a distinction between personal rights and property rights is wholly false and misleading. There is no real distinction between the two. All rights are personal. Property has no rights but people have rights in property and these are as personal as any other right.

The people are being controlled and regulated beyond reason. They are rapidly reaching the limits of endurance

and are bound sooner or later to rise up in a massive revolt at the polls. They are burdened down with rules and regulations reaching into every area of private life. They must keep up with, fill out, and file forms and reports of every conceivable kind. There is seemingly no detail too small for the Government to try to supervise and regulate. There is apparently no activity that Government does not feel it can perform better for the people than the people themselves. They are left no privacy, no peace, and are heavily taxed to pay for these inconveniences and irksome restrictions.

The farmer cannot plant a hill of beans without studying a thick volume of regulations and consulting with a half dozen Government agencies. The businessman cannot expand his business or promote his employees without calling in a battery of lawyers to determine whether it will violate some obscure rule or regulation. The average citizen cannot even earn a living for himself and his family without keeping a whole filing cabinet full of records and receipts to get back a fair share of his own income from the tax gatherers.

Even worthwhile Government programs are so enmeshed in petty rules, regulations, and redtape that many people would rather forego the benefits than try to satisfy the bureaucrats who administer them.

The mounting volume of regulations and forms the private citizen is required to live with is slowly stifling individual liberty in this country. It is time Congress began looking for ways to relieve this burden on the people rather than finding new excuses to add to. This bill is just one more blow to liberty and it may well be the one which provokes the people to righteous retaliation at the polls.

Even the 14th amendment upon which this bill is allegedly based puts property on the same plane as life and liberty in the scale of basic rights protected by the Constitution. Thus the conflict is not between personal rights and property rights as has been pretended. The real issue is whether the personal rights of some will be taken away in order to give new personal rights to others. In such a contest, it seems to me that the homeowner has the higher and better claim to protection.

It must be remembered that unlike previous civil rights bills, this bill is not directed against State and local governments which have the resources, limited though they may be in comparison to the Federal Government to defend themselves. This bill is aimed at individual citizens and their private property. It puts an unprecedented burden on the private citizen to inform himself of the meaning of vague laws, complicated court opinions, and volumes of complex regulations to which he has no ready access. It practically requires that he retain an attorney full time to keep him advised of the law and defend him against unfounded charges. It is clearly the individual citizen, and especially those of modest means, that is going to feel the brunt of this oppressive, meddlesome legislation.

It is not States rights which are endangered by this bill, but the rights of the people. It is not business or commerce which this bill regulates, but the lives of private citizens. I think this fact has been generally overlooked. This bill has been drawn solely from the point of view of the minority it is supposed to aid. Before it is voted on, it ought to be seriously examined from the point of view of the majority which it grievously injures. When looked at from this standpoint, I think the unfairness and injustice of the bill will become so glaringly apparent that the Senate will overwhelmingly vote it down.

If this bill does pass, however, I intend to do all I can to see that it is enforced with the same rigor and to the same extent in the big cities of the North as it is in the tiny hamlets and towns of the South. There is not going to be any hocus-pocus under this law about de facto de jure segregation. There is not going to be the same pattern of selective enforcement which has grown up under the Civil Rights Act of 1964. If we are going to have open housing in the South we are going to have open housing in the North, in the East, and in the West. I intend to do what I can to maintain constant surveillance over the administration of this law and insist that it be enforced with the same force in every other section of the country as it is in the South. I firmly believe that if this is done, we will soon see some fast backtracking on this unwise legislation.

The powers that have been incorporated in the Dirksen substitute, as I have mentioned, can still be delegated to any departmental employee. And they still have—and it is spelled out in the bill—the duty to promote affirmatively the policies of the pending bill.

What are the policies of the pending measure? The language that is written into the Civil Rights Act is too vague and broad.

Those are matters that will bear down on the individual people concerned. This involves something that I think is one of our most sacred rights. And I believe that when this policy is applied the people will resent it.

With reference to the school legislation, it was openly stated that we would pick out the southeastern part of the country as the part of the country in which to carry out the most extreme provisions. These provisions have not as yet touched the other areas. I hope that that will not be the pattern followed in this instance. I hope that we will apply this law affirmatively in the same way throughout the country.

My capacity as a Senator is limited because a Senator does not have the staff or resources or time to cope with these big departments when they really take out after a certain thing that they want to do. The big departments have a crushing power so far as an individual Senator is concerned. They are able to run over him, and that is what they do. That has happened to me, and I suppose that it will happen again. However, I hope that in the enforcement of this law the departments will apply the matter uniformly throughout the country.

I believe that if they do, corrections will be made with regard to certain errors contained in the pending legislation. Those would involve the correction of errors that have been made on the floor of the Senate.

Mr. BYRD of West Virginia. Mr. President, I voted for the 1957 Civil Rights Act and the 1960 Civil Rights Act. I also voted for the 1962 constitutional amendment, proposed by the distinguished senior Senator from Florida [Mr. HOLLAND], outlawing the poll tax as a requirement for voting in Federal elections.

I voted against the 1964 and 1965 Civil Rights Acts.

On Friday of last week I voted against agreeing to the Dirksen substitute for the committee substitute, but the Senate preferred the Dirksen proposal over the committee measure.

Although the original committee substitute contained some bad features, I greatly preferred it to the Dirksen substitute because of the so-called fair housing title in the Dirksen package.

Within a short while, the Senate will proceed to vote on the Dirksen substitute, and I realize, of course, that Senators will overwhelmingly vote in favor of the Dirksen substitute.

After much consideration, I have decided to vote for the Dirksen substitute. It has been improved somewhat over its original form, and I shall refer to these improvements shortly, but I want to express the fervent hope that the House of Representatives will further amend the bill so as to remove from the measure the remaining bad features, many of which some of us have tried here in the Senate to eliminate, but which, once cloture was invoked, we were unable to do because of the severe cloture restrictions.

Even though, as I say, the bill contains provisions which constitute an invasion of property rights, I shall reluctantly cast my vote for the bill. I shall do so for the following reasons:

First, the Dirksen substitute now contains my own amendment, which was accepted by the Senate on a close vote of 48 to 45, to protect the small property owner in the sale and rental of single-family dwellings. My amendment permits the sale and rental of up to three single-family dwellings by any owner whether or not he is the occupant of the dwellings. On Monday of last week, I sought to remove all single-family dwellings from the Dirksen substitute and allow the owner to issue instructions concerning his preferences to real estate salesmen, but the amendment was not adopted. The amendment which I was successful in having the Senate adopt does protect the small property owner from government compulsion, and I hope that the House of Representatives will proceed to restore the property owner's right to issue whatever instructions he desires to real estate agencies engaged in selling or renting his property.

Second. The Dirksen substitute now carries with it some good amendments, which I joined in supporting and which were included on the Senate floor, to deal with riots. For example, one amendment would punish persons who travel in interstate or foreign commerce or who use

the mails, TV, radio, and other interstate facilities with intent to incite or promote riots and violence. Of course, it is always difficult to prove intent. Another amendment makes it a Federal offense to shoot a fireman or policeman when they are attempting to do their duty in trying to suppress a riot and put out fires during such an occurrence.

We have also been able to amend the bill so as to strike at the sale, distribution, and use of firearms, molotov cocktails, and other explosives and incendiaries to create civil disorder and riots.

Third. It contains an amendment, of which I was one of the original cosponsors, to give constitutional rights, for the first time, to American Indians living on reservations. The Indian, long hailed as the first American, has never enjoyed the constitutional rights enjoyed by other Americans, white or nonwhite. This amendment which was written into the bill on the Senate floor will, if agreed to by the House, remove this inequity.

I do not believe that the majority of Americans want to see legislation enacted which will interfere with their property rights. I have done everything I could do to prevent governmental interference, and I shall continue to be opposed to it. But I also believe the American people want to see legislation which will punish individuals who incite and promote riots and who distribute and use firearms and explosives to kill innocent citizens and destroy their places of business.

Therefore, on balance, I believe that the bill on which we are about to vote contains both good and bad provisions. I have improved that bill to some extent with my own amendment, and I hope that whatever the House of Representatives does to the bill during the course of its study thereon, the antiriot provisions will be left in the bill or even strengthened.

The language dealing with riots does not yet go as far as it should. I voted with other Senators to make it a Federal crime to loot places of business during riots, but the Senate rejected the amendment. Hence, there is room for improvement by the House in connection with the riot provisions, and I trust that the House will act accordingly.

I also hope that the House will act to further modify, if not eliminate completely, the provisions which tamper with property rights. It will be a great victory for liberty if the House deletes the bad and retains the good in this bill. If this happens, the law which is finally enacted will be a far cry from and a great improvement over the original Dirksen substitute.

I do not say this with any intention to cast any reflection upon the distinguished and able and highly admired and respected author of the substitute. On the other hand, if the House proceeds to strike out or water down the beneficial amendments adopted by the Senate within the past week, and thus restore the Dirksen substitute to its original and, in my judgment, almost totally bad form, the law-abiding American citizen and owner of private property will be the loser.

Mr. President, I have only one further thing to say before I cast my vote.

I congratulate the able and distinguished floor manager of the bill, the Senator from Michigan [Mr. HART]. I also commend the very able and distinguished Senator from Minnesota [Mr. MONDALE], and the equally able and distinguished senior Senator from New York [Mr. JAVITS] and the able and distinguished Senator from Massachusetts [Mr. BROOKE].

I think these men who have led in the fight for the bill have, at all times, displayed a very high degree of courtesy and understanding toward those who have opposed the measure. They have conducted themselves not only as gentlemen, but also, and more importantly, as Senators.

I also iterate that same commendation to the able and distinguished Senators who have led the fight against the bill—the Senator from North Carolina [Mr. ERVIN], the Senator from Florida [Mr. HOLLAND], the Senator from Louisiana [Mr. ELLENDER], the Senator from Mississippi [Mr. STENNIS], and all other Southern Senators as well as Senators from other parts of the country who have displayed a remarkable degree of equanimity and courtesy and understanding and cooperation throughout the debate toward those who are proponents of the measure.

I cannot help expressing this feeling of pride and gratitude toward all of the Senators who have participated in the debate.

I have been deeply impressed by the gentle and charitable manner in which both the proponents and the opponents have conducted the debate. They have shown the utmost courtesy and consideration toward others who hold views contrary to their own.

Both sides have exhibited the utmost understanding, as I say, each toward the other throughout the debate. I have been in the Chamber through all of the debate, and I feel it incumbent upon me to express my deeply felt pride in the manner in which all participants in the debate have conducted their participation and performed their duties as they saw their duties. I could not be more proud of the fine attitudes that have been shown by all Senators, and I commend them very highly.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. THURMOND obtained the floor.

The PRESIDING OFFICER. Before the Senator proceeds, the Chair will ask that attachés take seats in the Chamber and stop roaming around the floor, conversing, standing in the doorways, and walking up and down the aisle.

Mr. THURMOND. Mr. President, I realize that a majority of the Members of the Senate have expressed themselves by their votes heretofore as being in favor of the pending measure. However, I must rise in opposition to this bill.

This is my 14th year in the Senate, and every year during my service here I have seen further injection of the Federal Government into the rights of the States and the rights of the individual. If this trend continues, there will be practically no facet of a person's life and no area of State action that the Federal Government will not control. I am becoming more and more concerned each year about the action of the Federal Government in acquiring power and projecting itself into areas not delegated to it by the Constitution.

The original bill singles out one group of people for protection and another for prosecution, while ignoring more pressing areas of concern. It fails to deal adequately with the very serious problem of civil disorder in our Nation, with the exception of the riot amendment which I offered and several others which were adopted. Furthermore, there is some question that the bill might even hinder our law enforcement in dealing with these problems.

Nowhere does the Constitution authorize Federal action to reach individual acts as is done under this bill. Our system of government and our constitutional heritage call for the maintenance of law and order by the States. This responsibility was never delegated to the Federal Government in the Constitution. This bill attempts to bring into the Federal sphere a portion of law enforcement which should be left with the States.

This bill provides that if a man is beaten up on the street because the assailant wants to steal his weekly wages or because the assailant has a personal grudge against him, the Federal Government does not choose to become involved. But if the man is beaten up because he is involved with the civil rights movement, the Federal Government will use the time, the money, and the full resources at its command to bring the assailant to justice. In short—and I have given this illustration before—a man can beat up his wife, and the Federal Government will look the other way, unless she is a civil rights demonstrator.

Mr. President, I never thought I would see the time when the Senate, which has been a protector of the people and of the Constitution down through the history of this Government, would pass a measure known as fair housing or open housing.

Under no theory of either the commerce clause or the 14th amendment do I find constitutional authority to deprive any individual of his basic, inherent right to hold, use, and enjoy private property.

The Supreme Court has consistently held, beginning with the civil rights cases in 1883 and down to the present time, that the 14th amendment is directed only toward State action and does not apply to acts of individuals in their individual capacity. There is no question in my mind that such an elastic view exceeds the power intended to be granted Congress by the framers of the Constitution.

There is no contest here between what

could be termed "property rights," on the one hand, versus personal rights, on the other hand. We are dealing only with personal rights to hold, use, and enjoy property.

Mr. President, there is no use to make any extended address on this subject, but I feel very strongly that the bill is objectionable not only for what it does but also because it lays the groundwork for the Federal Government to go even further. I feel that the exemptions in the bill will be removed in the future if the bill passes.

The sad thing, I think, about this entire problem is that the President misunderstands it, or else he is playing politics to win the votes of certain groups of people.

Congress passed civil rights legislation in 1957, again in 1964, and again in 1965. The main result has been more strife, more civil violence, and more racial disorders—almost to the point of revolution at times. People are led to believe that such legislation will somehow solve present problems. The legislation is passed, the problems remain, frustrations result, and the situation worsens.

If the proposed legislation, recommended again by the President, should be enacted, it would result in further centralization of power in Washington and a great deal more Federal intervention in the rights and private lives of the American people.

Mr. President, I hope that upon reflection the Senate will not see fit to pass this unconstitutional, unwise, and impractical legislation.

(At this point, Mr. MONTOYA assumed the chair as Presiding Officer.)

Mr. DIRKSEN. Mr. President, every so often I am excoriated for changing views or modifying my views to suit circumstances.

I recall the bitter attack that was made upon me many years ago in connection with the Marshall plan, but I thought the facts vindicated my position and my attitude. I gave some time to a study of its operation, and I found that the administrators were using taxpayers' money to buy tons of bubble gum to be sent to Belgium, to buy beer coolers to be sent to Italy, and to buy all manner of other things for which I did not believe the taxpayers should be made to sweat and produce the funds.

Little by little that condition changed, and in due course I found it possible to support the Marshall plan and its basic objectives, because I never quarreled with the objectives of the plan. I do not quarrel now with the editorial writers, who often sit in ivory towers and with great facility, but also quite often without being fully conversant with the facts, take me apart for whatever I may have done in this circumstance of civil rights. I apologize to no one for my conduct, because I think it was right.

I am reminded of the squib in the Evans and Novak column this morning. If Rowly Evans and Bob Novak were not such long-time friends, I might find myself angry; instead, I find myself sorry for their inaccuracies, which they could easily have checked. They thought as a result of this civil rights bill that suddenly a wide and painful fracture had developed in the long friendship that I have enjoyed with the distinguished Senator from Nebraska [Mr. HRUSKA], and that it suddenly had been cast into limbo. My friend from Nebraska can speak for himself on that point. It would take nothing short of an engulfing tidal wave, the eruption of Vesuvius, and four or five conflagrations to ever fracture that friendship. It would probably take more than that, because, of all things, I fully recognize the right to every Senator to cherish a conviction and express a view that he thinks is right. I am sure every Senator accords me the same privilege.

I presume, Mr. President, that the foundation for a modification of views must necessarily have some historical perspective, and there is. I go back to what I think are the two principal forces that have accounted for this great, free, balanced country. The first force I am pleased to call a centrifugal force, which hurls things away from a common center. Any housewife can tell us that when she turns on the spinner of the washing machine, because around the edges are perforations, the force spins out the water. If the spinner were not in a container, it would probably spew the water all over the house.

That centrifugal force became operative not too long after our seaboard was populated, because it picked up individuals and families and hurled them out toward the hinterland, through the Allegheny and Appalachian passes, across the prairies of Ohio, Indiana, and Illinois, and that other great, good prairie continent of Nebraska and Kansas, and ultimately to the Pacific. In so doing, that force achieved the closure of our frontier.

But it did not take too long for still another force to manifest itself. The physicists will tell us that that is a centripetal force that pulls things into a common center. So after the frontier was closed, the centripetal force became operative to pull people into ever-growing larger communities; and out of that force came those beehives of activity like Los Angeles and New York, Detroit, and Chicago, Philadelphia and Pittsburgh, and the other metropolitan centers.

That force is still operative, for one need only look at the modification of the farm population year after year to notice how many farms are being sold and how many people are being lured into the metropolitan areas of the country.

There are some subforces that are working constantly. One of them, I suppose, is ethnic in nature. When a person untutored in our language comes from some foreign shore, he gravitates normally in the direction of an area or a community where he may find a kinsman or somebody or some group that has preserved some of the customs and usages and has maintained, in a sense at least, cultural, and ancestral ties.

I point to the number of Polish people in Buffalo, or in Chicago; or the number of people of German extraction in Chicago and Milwaukee. My family experienced that same phenomenon. My mother had a tag around her neck when she landed at Ellis Island. It simply said, "This girl goes to Pekin, Ill." She was only 17 years old when she braved the waves of the North Atlantic and made that horribly turbulent voyage to America. But that tag said where she was to go. At that time, it was essentially a German community, part Germany, part Dutch, and perhaps a little Danish. I think I am a compound of all three.

That was the ethnic force.

Of course, there is the racial force. The number of people of color who ride the Illinois Central from the Southland to Chicago is an absolutely astounding figure. But they know there is a large Negro population in Chicago, that there is at least an atmosphere of understanding and sympathy, and they do not feel so estranged when they arrive.

But because of these forces and subforces, our larger communities get everlastingly larger. I suppose that in the next census, Chicago will probably be well over 3½ million; New York probably 7½ million, and that teeming metropolis of Los Angeles, and all the others, will have increased populations. So they grow and grow.

As people are lured into the fold of these centers, they carry with them a very primal need—that is, the need to conserve body heat.

Thoreau expressed it that way when he spoke about food. What is the essential purpose of food, if it is not to rekindle body heat out of which comes the energy for a person to go about the day's work?

What is the particular virtue of clothes other than to shield one's nudity, except for the fact that a garment conserves body heat?

Why the need for fuel in the wintertime to warm a household if it is not to conserve body heat?

Why the need for shelter if it is not to take care of and to conserve that body heat?

All of those things go with a person when he leaves the halcyon countryside and moves into the larger cities, hopefully to find work, to find shelter, and to obtain the other things essential to the preservation of life.

Mr. President, I add one other point and that is the gregarious instinct which impels people to do all this. We often see the painted picture of a lone wolf. There is no such thing as a lone wolf. That is a figment of the artist's brain. I bought a copy of it years ago. Perhaps it is still hanging on the wall in the old family homestead. I thought it looked awfully pretty there, and I thought it was highly decorative. But it did not pay proper respect to the instinct in all living things—that is, the gregarious instinct.

Here come these problems as a result of the forces which have produced America. The problems are there. The instincts are there. The needs are there. They will not go away.

I used to recite that little ditty:

> As I was going up the stair
> I met a man who wasn't there.
> He wasn't there again today.
> I wish, I wish he'd stay away.

Mr. President, it will not go away. The problems will not go away.

It took some prayerful thinking on my

part to change position when I had stated in a rather long speech to the Senate in 1966 that it was my innermost conviction the problem we deal with on occupancy should be the responsibility of the States.

We had the first State occupancy act 10 years ago. Today, 10 years later, there are only 21 States which have undertaken to enact laws in that field. Five of them enacted laws so essentially defective that they had to do it all over again.

Mr. President, I ask the Senate, how long will it take before the other States come into line?

How long before 29 other States will see the light?

Fifteen years? Twenty years?

This free land cannot wait that long, Mr. President.

That is the essence of what we shall do here today. That is why, in my judgment, this measure should have a resounding vote of "yea" by the Senate.

What we are dealing with in America today is not a lot of isolated, detached, and fragmented problems. We are dealing with a mood. It is a tragic mood which is fastening itself upon the country. It seizes upon youngsters and oldsters alike. No echelon of our society seems to be free from that mood, and the time has come to deal with it before it is too late.

So that is all I have to say about this substitute bill except to pay my compliments to the distinguished majority leader who, time after time, came to my office to sit with a group in the hope that we could work out something that not only would be acceptable, but it had to be salable to a majority of the Senate. If it is not, the effort fails.

I salute the Attorney General for his willingness to come to the office time after time and to make his views known, and to do it very candidly and in a wholly unemotional atmosphere, as we searched for common ground and tried to find a common denominator.

I thank the distinguished Senator from Michigan [Mr. HART] and the distinguished Senator from Minnesota [Mr. MONDALE]. When we got up against the rather tricky parliamentary problem under the rule, there was no way to put a substitute before the Senate without voting down the Mondale bill. He sat in the majority leader's office and said, "I will do whatever has to be done." Had there been a great swollen pride and cry about authorship, he might have backed off and said, "Not on your life. I want to vote as it stands." But he took the bit in the teeth like a statesman, and I salute him for it.

I salute all those who had a hand in it.

I want to thank and congratulate my distinguished friend from Nebraska, ROMAN HRUSKA. I hope that perhaps Bob Novak and Rowland Evans are sitting up there in the Press Gallery, because nobody sat in more conferences than did the distinguished Senator from Nebraska. He was a frequent visitor. I waited until 8 o'clock at night, when we were pouring over a few little things, and I said, "ROMAN, you will give us a cloture vote, won't you?" He looked at me and said, "I am sorry, but I can't."

That was his privilege, and in so doing he has kept intact a record in that field, with which I do not quarrel. I quarrel with no Senator about this. It is always his privilege. But sometimes I felt as if I had to get on hands and knees in order to get an extra vote somewhere. Then on occasions I wondered whether I should make a further concession for a vote.

In 1964 it was a little different. I could go to a Member of the Senate and say, "Hold up your fingers. How many times did I go to your State for you? I will name you the times," and I did. I said, "You owe me. Today you pay me back."

I went to a Senator and said, "Who keynoted your State convention and later went to your State twice?" He said, "You did. You have never voted for cloture. Today you pay me back."

But I do not always have merchandise like that, and this time I ran out of merchandise, and so I could put only something of an entreaty in my voice and say, "Please, sir, couldn't you give us a cloture vote?" And so, by the narrow margin of one vote, cloture was invoked, and we have now come to the stage where third reading has been had and it remains for the House of Representatives to impress its will upon this measure.

Mr. President, I confess the imperfections in the measure. How could we have done this kind of job without imperfections creeping in, notwithstanding the constant vigilance of everybody who was around that table?

While I am about it, I pay tribute to and salute a great lawyer, whom I am glad to have around [Mr. JAVITS], or, as a country lawyer, my talents in that field sometimes suffer from the fact that I have been long detached from the law. As the old dean used to say, "The law is a jealous mistress." But here was a great lawyer.

And along with it, my colleague from Illinois, Senator PERCY and Senator ED BROOKE, and Senator HOWARD BAKER. He is no kin of mine, Mr. President, but we do have a legal relationship. [Laughter.]

So I thank the Senators, and I can only hope that the size of the vote today may be impressive on the body at the other end of the Capitol, and that before too long we may engross upon the statute books the measure that has required nearly 8 weeks of the Senate's time for its consideration.

Finally, Mr. President, I wish to thank the following staff people who were of invaluable help in drawing up the compromise language in the Dirksen amendment: Mr. Clyde Flynn and Mr. Bernard Waters of my own staff, as well as Miss Pat Connell, of the staff of Senator JAVITS; Dick Nelson, of Senator HRUSKA's staff; Alton Frye, who is associated with Senator BROOKE; Lamar Alexander, of the staff of Senator BAKER; and Terry Segal, Senator HART's assistant.

Mr. President, I yield the floor.

Mr. HRUSKA. Mr. President, I rise because of the personal mention of me made by our distinguished minority leader.

It is my intention to vote in favor of this bill on final passage as I have on every civil rights bill since 1957. I recorded my similar sentiment on last Friday when, in my absence, I was recorded in favor of the substitute.

I recall well the occasion when the minority leader asked the Senator from Nebraska to vote for cloture, and I indicated that I could not favor cloture under the circumstances. In 1964 and 1965 I did vote for cloture on the civil rights issues. But I want to say now, as I explained to my good friend from Illinois, that I shall not vote for cloture on any future occasion in which a cloture petition is filed 1 hour and 15 minutes after a bill is introduced, when the contents, titles, and provisions of that bill are different from that which had been under consideration by the Senate up until that time.

The amended sections of the bill are a great improvement over what was proposed originally. There still are imperfections, something that I think is recognized by all. It is with some reluctance that I shall vote for this bill. It is incumbent upon all of us, however, as it is upon me, to weigh the pluses and minuses and then to vote on the question one way or the other.

The improvements in this bill are many. For example, in its original provisions, the housing measure bypassed our judicial system. It would have settled all disputes in this field, including the validity of title to real estate, through administrative processes with no effective rights of appeal—a concept which I hope will never again intrude itself upon this body. Any time we want to get rid of the judicial system, the Constitution can be amended; and we can use that procedure and not resort to some statute that would do such violence to our system. That aspect is now out of the bill entirely.

Another improvement insures that any bona fide purchaser who without actual notice of a complaint under this section, consummates a sale is protected from having his right, title, or interest stripped from him despite his innocence. This is a fundamental provision. Yet it had to be added to the bill as introduced.

This measure now contains antiriot provisions. In this omnibus civil rights bill, such a title is not only proper, it is required. The quest for law and order has no lower priority than any of the other subjects contained in this substitute as amended.

To be sure, I am not fully satisfied with the legislation as it now stands. For example, the provision exempting the owner of a single-family unit only if he does not use a real estate broker is not what I would have preferred. It may throw a heavy burden on the real estate profession. However, efforts to change that section were defeated by a vote of 48 to 42.

I certainly am mindful that there is further processing to do. We do not know, as of this moment, what the other body will do, or whether they will ask for a conference. I hope that they will, because I believe there are many respects in which the bill can be further refined and perfected.

I thank the Senator from Illinois for his kind words. We have labored together

on many bills of this kind. We have seen contentions sometimes result; but we also have seen compromises such as this are reached in the sort of spirit exemplified by the Senator from Minnesota when he consented to the motion to table his amendment.

Mr. President, I yield the floor. I commend our outstanding minority leader, the Senator from Minnesota, the other sponsors of the legislation and of the amendments for their efforts on this legislation.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

THE RIOT COMMISSION REPORT

Mr. ELLENDER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by myself broadcast Saturday by radio station WWL, in New Orleans.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE RIOT COMMISSION'S REPORT

On Friday, the first of March, the National Advisory Commission on Civil Disorders, appointed by President Johnson, made public its long-awaited report on the riots which have swept so many of the northern cities in recent summers. By a strange coincidence, the report was released just as the United States Senate was in the final stages of considering one of the annual civil rights bills, including a so-called "open housing" provision. And, of course, as might be expected, the Commission's report advocates the immediate enactment of "open housing" legislation as one of the measures needed to prevent similar urban riots in the future.

This may have been a factor in persuading a few Senators to switch their votes in favor of choking off the Senate debate on this issue. In any event, the cloture petition won the necessary two-thirds majority on the fourth and final attempt of the sponsors of this measure. Be that as it may, if this bill should win final approval by the Congress, I feel confident that it will not assist in bringing racial peace to the country. As a matter of fact, the effect is sure to be exactly the opposite. In my estimation, the Congress will be sowing the wind, and our people will reap the whirlwind.

My first reaction to the reports of the Commission's recommendations was that they were unrealistic, exaggerated, and astronomically costly. I have now had the opportunity to study the voluminous document more carefully, although not as thoroughly as I will in the future. The entire document runs to 483 finely printed pages.

In light of my preliminary study, I have had to revise my estimate of its worth somewhat. Although I believe my first judgment still holds true—for instance, the federal cost of implementing the proposals is estimated to amount to about $2 billion per month—it is also true that the report represents a thoughtful and fairly comprehensive study of the problem. By bringing together a mass of pertinent facts and statistical data to scholars and others concerned with what has come to be a pressing national problem, a worthwhile service has been performed. Irrespective of this, however, the problem is likely to grow more pressing in the future. What we have in effect is a profile of urban life today, and some suggestions as to what might possibly be done by the federal government to change that profile.

You will notice that I said "what might be done by the federal government," for that is where the Commission turned for virtually all of its proposed answers, and for all of the necessary finances. This is one of the aspects on which I disagree with the Commission's approach. The report writers apparently feel that the resources of the federal government are inexhaustible. When the people of the nation are asked to submit to an additional increase in their taxes to improve the life in a few of our big cities, the sponsors of these proposals are likely to find out just how tight money can be.

One of the statements made in the report, which received a surprising amount of publicity, had to do with the fact that racism, or prejudice, is widespread through the nation. This has been held out to be a "radical" admission, showing the "objectivity" of the panel's investigation. Now any thoughtful observer has known this to be a fact of our society for a number of years. And, of course, it is not confined to this country. It occurs on a world-wide basis, wherever two groups of people of widely differing culture, religion, or color are placed in close contact with one another. It is found today between Pakistan and India, based entirely on religion. The British have discovered that they do not want so open a society after all, if it means accepting a large number of people from South Asia. Similarly, the people of the North in our country have found out that full-scale integration is much more acceptable to them when it occurs in the South.

As a matter of fact, segregation has been practiced in the North, particularly in the urban areas, fully as much as anywhere else, including the South. The difference, of course, is that we in the South were more open about it. Everyone knew just about where he stood, and, as a result, racial harmony prevailed. In other areas, such as the big northern cities, the practice of segregation was "swept under the rug" to a large degree. It is being brought out in the open now, and there is no question in my own mind that much of this unrest is due to minorities attempting to exercise, for the first time, the rights they supposedly have had for many years under the State and local laws, particularly in the North and Northeastern parts of our country.

Once having admitted that prejudice existed, I firmly believe that the Commission did the nation a disservice by refusing to examine the causes of this feeling in any meaningful terms. According to the Advisory Panel, however, the blame for this state of affairs in general, and the blame for the summer rioting in particular, is to be placed squarely at the feet of the majority of our nation's population. I believe this to be unjust, and I further believe that it begs the issue. Nowhere in the Commission's voluminous document, although I have not yet read its every page, do I find recommendations as to what punishment those who engage in lawless violence should have received, or should be subject to in the future.

To my mind, this is a glaring omission. I, for one, am convinced that the roots of these riots can in large part be traced back to the atmosphere of lawlessness that has come to prevail in this country over the last five or six years, beginning with the sit-ins and marches which swept the South in violation of local, state, and national law.

Strangely enough, the Commission's study takes note of the events, and states that they did indeed play a part in the riots of recent summers. By an unusual twist of reasoning, however, this relationship is traced not to the acts of those flaunting the law, but to actions of the police and other officials who sought to uphold the law.

I am also convinced that the Commission has done the nation a further disservice, in perhaps a much more important way. A list of sweeping recommendations has been made, covering the fields of education, employment, housing, and other areas. Their implementation would prove extremely expensive. I mentioned the figure of $2 billion per month a moment ago, but it is possible that this astronomical amount would prove to be only a drop in the bucket if attempts were made to place the recommendations into effect across the country. That fact alone argues strongly against their acceptance by the Executive and enactment by Congress. Coupled with this, many of the proposals will no doubt prove politically unpopular with a majority of our population.

Beyond these points, the fact remains that even if the proposals did receive approval and majority support in the Congress and nation, they could not be implemented overnight. They are of a variety that would require months, if not years, to place into effect. Here is what that means and how the Commission has done a disservice to the country, in my estimation. In the coming months, racial demagogues and agitators will set out across the length and breadth of the nation. At every stop, they will be able to point to the Commisison's report and recommendations, an official government document. They will be able to say to their audiences and followers: "Here is what you have been deprived of. Here is what this country has denied you. Your plight and troubles are not your fault, but the fault of American society. If the country will not give you what you deserve, when are you going to stand up and take it for yourself."

I can look into the future and see this all taking place as clearly as the hand before my face. You may rest assured that the moderate leaders of both races, those who are seriously working for peace and accommodation in both the North and South, will have their work cut out for them in the months ahead.

In another area, however, the report admits the truth of what we of the South have been saying for a number of years. This is, the fact that the civil rights proposals which have been placed before the Congress almost every year for a long period of time now have been submitted primarily to satisfy the large minority element in northern cities. The report also admits that these measures have fundamentally failed in bringing any real benefits to the mass of those in whose behalf they were forced through Congress. In other words, they have proved useless in any meaningful sense for the great mass of the people.

In my view, they have proved worse than useless, as I indicated a short while ago. More than enough laws are already on the statute books to provide relief from any real inequities that exist, if they were only adequately enforced by the appropriate authorities. Yet the agitation goes on and on. Meanwhile, the people have listened to the promises of politicians—promises of a better way of life that has not come to pass.

Much damage has been done because of this, to our Constitutional government, and to the basic fabric of our society. After looking over this latest report, and after viewing the action of the Senate last week on the fair housing bill, I can only conclude regretfully that the worst is yet to come.

Mr. JAVITS. Mr. President, I shall just take a moment.

I wanted to say, because it has not been said, what a debt we all owe to the Senator from Illinois [Mr. DIRKSEN]. He has spoken very graciously of me and of the Senator from Massachusetts [Mr. BROOKE] and the Senator from Illinois [Mr. PERCY] of the workmanship on this matter of the Senator from Nebraska [Mr. HRUSKA], and of the efforts of our colleagues on the Democratic side, and with great propriety. I value and agree with him in respect to Senators HART, MONDALE, and MANSFIELD, but the proudest words in the English language, to me, Mr. President, for a man of consequence and a man of conviction, are the words "I am persuaded." EVERETT DIRKSEN was big enough to utter those words and act them out. Without him, there would be no

Civil Rights Act of 1968. I am confident there will be, and I think if we manage to survive with relative security this long hot summer, this evidence of the concern and of the demand of Congress to do justice will have been a major factor in it, and will be a landmark in American history.

Just as he was one of the great architects of the Civil Rights Act of 1964, he must be recorded in American history as a major architect of the Civil Rights Act of 1968. I rise to pay him this very well deserved tribute. He is at the stage of life and service in the Senate when these are the only goods that count.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. HICKENLOOPER. On this vote I have a pair with the Senator from Rhode Island [Mr. PASTORE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MILLER. On this vote I have a live pair with the junior Senator from Oklahoma [Mr. HARRIS]. If present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], and the Senator from Rhode Island [Mr. PASTORE] are necessarily absent.

I also announce that the Senator from Oklahoma [Mr. HARRIS] is absent because of an illness in his family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], and the Senator from Montana [Mr. METCALF] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from California [Mr. KUCHEL] and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from California would vote "yea," and the Senator from Texas would vote "nay."

The positions of the Senators from Iowa [Mr. HICKENLOOPER] and [Mr. MILLER] have previously been announced.

The result was announced—yeas 71, nays 20, as follows:

[No. 50 Leg.]

YEAS—71

Aiken	Clark	Inouye
Allott	Cooper	Jackson
Anderson	Cotton	Javits
Baker	Curtis	Jordan, Idaho
Bartlett	Dirksen	Kennedy, Mass.
Bayh	Dodd	Kennedy, N.Y.
Bennett	Dominick	Lausche
Bible	Fong	Long, Mo.
Boggs	Gore	Magnuson
Brewster	Griffin	Mansfield
Brooke	Gruening	McGee
Burdick	Hansen	McGovern
Byrd, W. Va.	Hart	Mondale
Cannon	Hartke	Monroney
Carlson	Hatfield	Montoya
Case	Hayden	Morse
Church	Hruska	Morton
Moss	Percy	Symington
Mundt	Prouty	Tydings
Murphy	Proxmire	Williams, N.J.
Muskie	Randolph	Yarborough
Nelson	Ribicoff	Young, N. Dak.
Pearson	Scott	Young, Ohio
Pell	Smith	

NAYS—20

Byrd, Va.	Holland	Sparkman
Eastland	Hollings	Spong
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fannin	McClellan	Thurmond
Fulbright	Russell	Williams, Del.
Hill	Smathers	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Hickenlooper, against.
Miller, against.

NOT VOTING—7

Harris	McIntyre	Pastore
Kuchel	Metcalf	Tower
McCarthy		

So the bill (H.R. 2516), as amended, was passed.

Mr. HART. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE TECHNICAL, CLERICAL, AND CERTAIN CONFORMING CORRECTIONS IN THE ENGROSSMENT OF H.R. 2516

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of H.R. 2516, to make technical, clerical, and certain conforming corrections which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill, H.R. 2516, as passed, is as follows:

TITLE I—INTERFERENCE WITH FEDERALLY PROTECTED ACTIVITIES

SEC. 101. (a) That chapter 13, civil rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new section, to read as follows:

"§ 245. Federally protected activities

"(a)(1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

"(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

"(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

"(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

"(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

"(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

"(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

"(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

"(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

"(2) any person because of his race, color, religion or national origin and because he is or has been—

"(A) enrolling in or attending any public school or public college;

"(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

"(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

"(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;

"(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

"(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

"(3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or

"(4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraph (2)(A) through (2)(F); or

"(B) affording another person or class of persons opportunity or protection to so participate; or

"(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)

(A) through (2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. As used in this section, the term 'participating lawfully in speech or peaceful assembly' shall not mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2)(F) or (4)(A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

"(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term 'law enforcement officer' means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State."

(b) Nothing contained in this section shall apply to or affect activities under title VIII of this Act.

(c) The provisions of this section shall not apply to acts or omissions on the part of law enforcement officers, members of the National Guard, as defined in section 101 (9) of title 10, United States Code, members of the organized militia of any State or the District of Columbia, not covered by such section 101(9), or members of the Armed Forces of the United States, who are engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance.

SEC. 102. The analysis of chapter 13 of title 18 of the United States Code is amended by adding at the end thereof the following: "245. Federally protected activities."

SEC. 103. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:

"They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life."

(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: "; and if death results shall be subject to imprisonment for any term of years or for life."

(c) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (79 Stat. 443, 444) are amended by striking out the words "or (b)" following the words "11(a)".

SEC. 104. (a) Title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter:

"Chapter 102.—RIOTS

"Sec.
"2101. Riots.
"2102. Definitions.

"§ 2101. Riots.

"(a)(1) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

"(A) to incite a riot; or

"(B) to organize, promote, encourage, participate in, or carry on a riot; or

"(C) to commit any act of violence in furtherance of a riot; or

"(D) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—

"Shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a) and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

"(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

"(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding.

"(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

"(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law.

"§ 2102. Definitions

"(a) As used in this chapter, the term 'riot' means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

"(b) As used in this chapter, the term 'to incite a riot', or 'to organize, promote, encourage, participate in, or carry on a riot', includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts."

(b) The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after the following chapter reference:

"101. Records and reports ---------- 2071"

a new chapter reference as follows:

"102. Riots ---------- 2101".

TITLE II—RIGHTS OF INDIANS

DEFINITIONS

SEC. 201. For purposes of this title, the term—

(1) "Indian tribe" means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

(2) "powers of self-government" means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and

(3) "Indian court" means any Indian tribal court or court of Indian offense.

INDIAN RIGHTS

SEC. 202. No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(7) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(9) pass any bill of attainder or ex post facto law; or

(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

HABEAS CORPUS

SEC. 203. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.

TITLE III—MODEL CODE GOVERNING COURTS OF INDIAN OFFENSES

SEC. 301. The Secretary of the Interior is authorized and directed to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. Such code shall include provisions which will (1) assure that any individual being tried for an offense by a court of Indian offenses shall have the same rights, privileges, and immunities under the United States Constitution as would be guaranteed any citizen of the United States being tried in a Federal court for any similar offense, (2) assure that any individual being tried for an offense by a court of Indian offenses will be advised and made aware of his rights under the United States Constitution, and under any tribal constitution applicable to such individual, (3) establish proper qualifications for the office of judge of the court of Indian offenses, and (4) provide for the establishing of educational classes for the training of judges of courts of Indian offenses. In carrying out the provisions of this title, the Secretary of the Interior shall consult with the Indians, Indian tribes, and interested agencies of the United States.

SEC. 302. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

TITLE IV—JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS

ASSUMPTION BY STATE

SEC. 401. (a) The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which could be affected by such assumption, such measure of jurisdiction over any or all of such offenses committed within the Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

ASSUMPTION BY STATE OF CIVIL JURISDICTION

SEC. 402. (a) The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

RETROCESSION OF JURISDICTION BY STATE

SEC. 403. (a) The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section 1162 of title 18 of the United States Code, section 1360 of title 28 of the United States Code, or section 7 of the Act of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

(b) Section 7 of the Act of August 15, 1953 (67 Stat. 588), is hereby repealed, but such repeal shall not affect any cession of jurisdiction made pursuant to such section prior to its repeal.

CONSENT TO AMEND STATE LAWS

SEC. 404. Notwithstanding the provisions of any enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil or criminal jurisdiction in accordance with the provisions of this title. The provisions of this title shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution of statutes, as the case may be.

ACTIONS NOT TO ABATE

SEC. 405. (a) No action or proceeding pending before any court or agency of the United States immediately prior to any cession of jurisdiction by the United States pursuant to this title shall abate by reason of that cession. For the purposes of any such action or proceeding, such cession shall take effect on the day following the date of final determination of such action or proceeding.

(b) No cession made by the United States under this title shall deprive any court of the United States of jurisdiction to hear, determine, render judgment, or impose sentence in any criminal action instituted against any person for any offense committed before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense. For the purposes of any such criminal action, such cession shall take effect on the day following the date of final determination of such action.

SPECIAL ELECTION

SEC. 406. State jurisdiction acquired pursuant to this title with respect to criminal offenses or civil causes of action, or with respect to both, shall be applicable in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose. The Secretary of the Interior shall call such special election under such rules and regulations as he may prescribe, when requested to do so by the tribal council or other governing body, or by 20 per centum of such enrolled adults.

TITLE V—OFFENSES WITHIN INDIAN COUNTRY

AMENDMENT

SEC. 501. Section 1153 of title 18 of the United States Code is amended by inserting immediately after "weapon,", the following "assault resulting in serious bodily injury,".

TITLE VI—EMPLOYMENT OF LEGAL COUNSEL

APPROVAL

SEC. 601. Notwithstanding any other provision of law, if any application made by an Indian, Indian tribe, Indian council, or any band or group of Indians under any law requiring the approval of the Secretary of the Interior or the Commissioner of Indian Affairs of contracts or agreements relating to the employment of legal counsel (including the choice of counsel and the fixing of fees) by any such Indians, tribe, council, band, or group is neither granted nor denied within ninety days following the making of such application, such approval shall be deemed to have been granted.

TITLE VII—MATERIALS RELATING TO CONSTITUTIONAL RIGHTS OF INDIANS

SECRETARY OF INTERIOR TO PREPARE

SEC. 701. (a) In order that the constitutional rights of Indians might be fully protected, the Secretary of the Interior is authorized and directed to—

(1) have the document entitled "Indian Affairs, Laws and Treaties" (Senate Document Numbered 319, volumes 1 and 2, Fifty-eighth Congress), revised and extended to include all treaties, laws, Executive orders, and regulations relating to Indian affairs in force on September 1, 1967, and to have such revised document printed at the Government Printing Office;

(2) have revised and republished the treatise entitled "Federal Indian Law"; and

(3) have prepared, to the extent determined by the Secretary of the Interior to be feasible, an accurate compilation of the official opinions, published and unpublished, of the Solicitor of the Department of the Interior relating to Indian affairs rendered by the Solicitor prior to September 1, 1967, and to have such compilation printed as a Government publication at the Government Printing Office.

(b) With respect to the document entitled "Indian Affairs, Laws and Treaties" as revised and extended in accordance with paragraph (1) of subsection (a), and the compilation prepared in accordance with paragraph (3) of such subsection, the Secretary of the Interior shall take such action as may be necessary to keep such document and compilation current on an annual basis.

(c) There is authorized to be appropriated for carrying out the provisions of this title, with respect to the preparation but not including printing, such sum as may be necessary.

TITLE VIII—FAIR HOUSING

POLICY

SEC. 801. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

DEFINITIONS

SEC. 802. As used in this title—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

EFFECTIVE DATES OF CERTAIN PROHIBITIONS

SEC. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 shall apply:

(1) Upon enactment of this title, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title: *Provided,* That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b).

(b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided,* That such private individual owner does not own more than three such single-family houses at any one time: *Provided further,* That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further,* That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further,* That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804 (c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

SEC. 804. As made applicable by section 803 and except as exempted by sections 803 (b) and 807, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

DISCRIMINATION IN THE FINANCING OF HOUSING

SEC. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided,* That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 803(b).

DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

SEC. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

EXEMPTION

SEC. 807. Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

ADMINISTRATION

SEC. 808. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department of Housing and Urban Development Act (Public Law 89-174, 79 Stat. 667) is hereby amended by—

(1) striking the word "four," in section 4(a) of said Act (79 Stat. 668; 5 U.S.C. 624b (a)) and substituting therefor "five,"; and

(2) striking the word "six," in section 7 of said Act (79 Stat. 669; 5 U.S.C. 624(c)) and substituting therefor "seven."

(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this title. The persons to whom such delegations are made with respect to hearing functions, duties, and

powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this title and shall cooperate with the Secretary to further such purposes.

(e) The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices; and

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

EDUCATION AND CONCILIATION

SEC. 809. Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

ENFORCEMENT

SEC. 810. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Wherever a State or local fair housing law provide rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title, the Secretary shall notify the appropriate State or local agency of any complaint filed under this title which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter, or, having done so, carries forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

(d) If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c), the Secretary has been unable to obtain voluntary compliance with this title, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this title, insofar as such rights relate to the subject of the complaint: *Provided*, That no such civil action may be brought in any United States district court if the person aggrieved has a judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 812, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 812, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE

SEC. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: *Provided, however*, That the Secretary first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The Secretary may issue subpenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpenas issued by the Secretary himself. Subpenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpena issued at the request of a respondent shall be paid by him.

(d) Within five days after service of a subpena upon any person, such person may petition the Secretary to revoke or modify the subpena. The Secretary shall grant the petition if he finds that the subpena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpena or lawful order of the Secretary, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means

falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(g) The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act.

ENFORCEMENT BY PRIVATE PERSONS

SEC. 812. (a) The rights granted by sections 803, 804, 805, and 806 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: *Provided, however,* That the court shall continue such civil case brought pursuant to this section or section 810(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary or a State or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Secretary or to the local or State agency and which practice forms the basis for the action in court: *And provided, however,* That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Act, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Act shall not be affected.

(b) Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

(c) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: *Provided,* That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

ENFORCEMENT BY THE ATTORNEY GENERAL

SEC. 813. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern of practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this title.

EXPEDITION OF PROCEEDINGS

SEC. 814. Any court in which a proceeding is instituted under section 812 or 813 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 815. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivisions of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are granted by this title; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid.

COOPERATION WITH STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS

SEC. 816. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this title. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

INTERFERENCE, COERCION, OR INTIMIDATION

SEC. 817. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806. This section may be enforced by appropriate civil action.

APPROPRIATIONS

SEC. 818. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

SEPARABILITY OF PROVISIONS

SEC. 819. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

TITLE IX

PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

SEC. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a); or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

TITLE X—CIVIL OBEDIENCE

SHORT TITLE

SEC. 1001. This title may be cited as the "Civil Obedience Act of 1968".

CRIMINAL PENALTIES FOR ACTS COMMITTED IN CIVIL DISORDERS

SEC. 1002. (a) Title 18, United States Code, is amended by inserting after chapter 11 thereof the following new chapter:

"Chapter 12.—CIVIL DISORDERS

"Sec.
"231. Civil disorders.
"232. Definitions.
"233. Preemption.

"§ 231. Civil disorders.

"(a)(1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

"(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

"(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function—

"Shall be fined not more than 10,000 or imprisoned not more than five years, or both.

"(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

"§ 232. Definitions

"For the purposes of this chapter:

"(1) The term 'civil disorder' means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

"(2) The term 'commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof: (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

"(3) The term 'federally protected function' means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

"(4) The term 'firearm' means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

"(5) The term 'explosive or incendiary device' means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (1) consists of or includes a breakable con-

tainer including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

"(6) The term 'fireman' means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

"(7) The term 'law enforcement officer' means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

"§ 233. Preemption

"Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof."

(b) The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after

"11. Bribery and graft ..... 211"

a new chapter reference as follows:

"12. Civil disorders ..... 231".

Mr. MANSFIELD. Mr. President, the Senate has voted its wide approval of civil rights legislation for 1968. With that vote it has endorsed the concept of a free choice in housing for all Americans; it has agreed that the exercise of fundamental rights must be adequately protected. The success of this proposal is to be measured in the renewed hope it gives to those whose attempts to acquire a decent home for their families will be determined solely on their ability to pay the price.

On such an occasion there is much to be said for those Senators whose strong efforts and devotion were chiefly responsible for the outcome. By now I think the American people know what every man in this body long ago realized: that the distinguished Senator from Michigan [Mr. HART] has once again carried high the banner for equal rights and thereby made possible this success this year. He stood in this Chamber day after day making the case for this bill. He argued with deep and sincere conviction. His reasoning was clear and straightforward and expressed with the quiet eloquence that has so long characterized his talented efforts. Senator HART bows to no man in his quest for seeing that an equal opportunity is made a reality in America.

One of his more subtle contributions in managing the bill was the way he set the entire tone of the debate. At no time during the 7 weeks of consideration did the proceedings deviate from that high plane always hoped for in a Senate debate. On a measure of this nature, it is sometimes difficult to achieve. Its achievement in this case may be attributed to the manager of the bill; its achievement set the climate for the outstanding success witnessed today.

Many Senators contributed greatly with Senator HART in making this day historical.

The Senator from Minnesota [Mr. MONDALE] added a decisive dimension to this debate when, joined by the Senator from Massachusetts [Mr. BROOKE], he offered the fair housing proposal—a gesture that at the time many of us regarded as most unlikely of success. But Senator MONDALE, Senator BROOKE, and Senator JAVITS demonstrated no pessimism. They continued to urge the proposal and gradually, as the days passed, the hope of others began building until finally its passage was assured.

Words cannot emphasize too much the great contribution of the minority leader [Mr. DIRKSEN] in this debate. He played a vital role in shaping this measure, as he did in 1964 and 1965 when the Senate last passed civil rights legislation. His motive was simple and straightforward. He urged an effective bill simply because it was the right thing to do. All America is again in his debt.

I think all Senators realize that in legislating in areas involving delicate issues where emotions are apt to run high, the merit of a bill should be able to withstand the most careful scrutiny. Those who opposed this proposal provided such a test.

They too deserve our praise and gratitude. Notable was the contribution of the senior Senator from North Carolina [Mr. ERVIN]. His opposition to this measure was always responsible; his views, always strong and sincere. That may be said also for the distinguished Senator from Georgia [Mr. RUSSELL], the distinguished Senator from Mississippi [Mr. STENNIS], and the others who opposed this legislation.

But in the final analysis, this bill did withstand the test, and its overwhelming support speaks abundantly for its merit. We may all be proud of an outstanding achievement.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, now that the Senate has concluded its consideration of the Civil Rights Act of 1968, I ask unanimous consent that the Chamber be cleared of all unauthorized personnel and that the previous unanimous-consent requests be vacated. Senators may renew whatever requests they desire.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered. The floor will be vacated by all unauthorized personnel. The Sergeant at Arms will carry out the order.

Mr. HART. Mr. President, I yield to the Senator from Illinois.

TRIBUTES

Mr. DIRKSEN. Mr. President, not as a postscript, because a postscript is an afterthought, but because I wanted to put it in a separate package, I want to express my gratitude and appreciation to the staff members who were extremely helpful in the formulation of this bill.

The staff members from Senator MONDALE's office, Senator HART's office, Senator MANSFIELD's office, Senator HRUSKA's office, Senator SCOTT's office, Senator JAVITS' office, and my office did a herculean piece of work, and I shall be forever grateful to them for the time and attention they devoted.

Mr. HART. Mr. President, my feelings today might best be described as those of mingled surprise and gratitude.

I still feel at least a mild surprise that we have passed a strong housing bill and I am profoundly grateful to those Senators whose votes made it possible.

This was an issue that the Senate might easily have avoided, especially in light of the fact that hardly anyone expected anything else.

There was no great groundswell of influential support for fair housing. Clergymen were not packing the corridors outside the Chamber. Civil rights leaders across the Nation had not zeroed in on this issue with mighty unanimity.

There were many in this Chamber, I know, who would have been politically more comfortable if the issue had crept away to a quiet death and yet who voted to keep it alive and flourishing.

After key votes, I have been nailed in the hallways by newsmen with the same insistent questions:

"What did you have to do to get so-and-so's vote?"

"What pressures did you have to bring to bear on that man?"

"What did the administration have to promise this one?"

And the most inadequate answer to these questions was the true one: I think the Senate voted to preserve this package because it was the right thing to do. The Senate responded not to the demands of expediency but to the demands of history.

It was an answer greeted by knowing smiles—a cornball answer—the answer you would expect from a politician eager to preserve votes and offend no one.

Understandably, my answer never got printed anywhere.

Mr. President, I do not often rise to praise this institution. For one thing, any praise for a body of which you are a member must necessarily carry a hint of self-congratulation.

More often, I have risen to criticize it, to deplore its rules, to complain about the neglect of some bill I thought important.

But today I have never been prouder to be a Member of the U.S. Senate—and I submit that observation with a measure of humility.

Because what we passed today is not going to bring unblemished political advantage to anyone who voted for or worked for it. For some, the advantage will be marginal at best, for others the tally might even be negative.

I do venture to say that if every Senator had voted on the basis of his mail count, we would not have had five votes for cloture.

My remarks here are being directed largely at the open housing section of the

bill, not because the civil rights protection section is unimportant—it is of enormous importance, to my mind—but because housing is the issue that has attracted the greatest attention, achieved the greatest symbolism, generated the most emotion, and will affect the larger portion of the Nation.

It is an issue that no one will be able to explain away to an angry constituent with soothing words about how this will not really apply in our State; it cannot be said that it is designed to take care of a problem somewhere else.

For what we have done, we cannot expect undiluted and prolonged applause. We will be spoken of approvingly in some liberal journals, the religious community may offer some praise, sociologists may admire the step—probably adding that we really did not go far enough—and a portion of the Nation's Negro community will be heartened and cheered.

But the real applause probably would not come for 5 years, perhaps 10, when historians have a chance for an objective evaluation of the course the Nation has chosen in dealing with its domestic ills.

I am hesitant to single out individuals for special praise—most of us are at the conclusion of a long battle. There were two chapters. The first began last August, when the bill came to the committee on the Judiciary. The second began on January 18 of this year, the day debate actually began.

We fear we will miss someone in reviewing the efforts over these many months, and, in truth, any list of Senators who responded magnificently during these deliberations must include at least 65 names.

But I will risk naming a few members of the prorights strategy team that, it seems to me, should not go without credit.

Senator MONDALE: Even in Minnesota, a State with a great liberal tradition, open housing advocacy is not an unmixed political blessing. Yet we learned quickly to depend greatly on his eloquence, his unmatched detailed knowledge of the issue. No man could have done his homework more thoroughly and precisely. It is eminently fitting that he should have succeeded in the Senate another great and effective civil rights leader, the Vice President, HUBERT HUMPHREY.

Senator JAVITS: He brought to this issue a most agile mind, a persuasive manner and an honest dedication that never fails to impress. Senator DIRKSEN said it: Senator JAVITS is a great lawyer. This bill is one more demonstration of his courage and tremendous capacity for hard work.

Senator BROOKE: His counsel and energy were invaluable. The color of his skin was the only credential he really needed as a civil rights advocate and a more cautious man might have been content to quietly reject the visibility of leadership. But he turned in a great deal of hard work and without him our strength would have been greatly diminished.

Senator EDWARD KENNEDY: This man, younger than most of us, is already greatly to be relied on for steady counsel and dependability. These virtues were shown again during this debate and marked his work in the Judiciary Committee on this bill.

Senator DIRKSEN: Without him, there would have been no bill and no one need make any bones about it. His decisions were the right ones—not the easy ones—and they have caused him difficulties that he might more easily have avoided. We all owe him a vote of thanks. And I do herewith submit mine.

The patience and strong support of the able majority leader, Senator MANSFIELD, deserves a tribute. Without him, there would have been no bill. It was Senator MANSFIELD who saw the necessity that the bill be scheduled for the opening of the session. It was Senator MANSFIELD who supported four cloture efforts—something never before attempted by Senate leadership.

There was splendid work put in by Senator PERCY and Senator TYDINGS. And let us make no mistake, the President and Vice President, in every appropriate way, helped us survive 8 weeks of debate and achieve passage.

We have taken a significant step toward justice in this Nation, a significant step—I think—toward racial peace. Let me read at this point, a few words by Kenneth B. Clar, eminent Negro psychologist and author who, I note in the newspaper, said this in testimony before the National Commission on Civil Disorders:

> The fact of the ghetto is not accidental. This is the one area in which there was urban planning, but urban planning towards human degradation—just as concentration camps were planned. Ghettos in America, in our most liberal cities—and that is another irony—racial ghettos are noncontributions to America's racial problems. They were planned to confine Negroes. Techniques were developed to make this confinement as rigorous and rigid as possible. And some of the most respectable elements of our society were very effective instruments of such conspiracy.

Mr. President, I do not propose to get into an argument over whether the ghetto is the result of a conspiracy. I submit that for our purposes it makes no difference.

The important thing is that Negroes—who have indeed been living in black compounds for whatever reason, can look upon the facts from their side of the wall and honestly believe that such a conspiracy must exist to have created these conditions.

And if you look at it from the Negro's point of view, you can understand how he might have arrived at such a conclusion—a conclusion that many of us might be tempted to dismiss as patently ridiculous.

If this bill does nothing else, it should certainly demonstrate our recognition that the domestic well-being of the Nation depends on full participation by all races.

I think we can all be hopeful that our action will be received as a sincere show of our feelings. And let us all remember that this is not a bill to just upgrade the Negroes of America.

It is a bill that will upgrade America.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS. Mr. President, I should like to express the personal gratification I have had in working so closely in this matter with Senators HART and MONDALE and their associates on the Democratic side. I know that bespeaks the feeling of Senator BROOKE, who joined with Senator MONDALE in sponsoring the open housing amendment, of Senator PERCY of the Committee on Banking and Currency, and of Senator SCOTT, of the Committee on the Judiciary—all of whom helped enormously in this field.

I should also like to express my appreciation to Senator BAKER, who, though did not agree with us all the time, was a very key factor in the reconciliation of the views of Senator DIRKSEN and ourselves. I have already paid my tribute to the minority leader.

Whether I have agreed with or disagreed with particular amendments that were written in, or whether I voted for or against them, I am very proud of the final product, which represents a real achievement and shows that the Senate of the United States can operate when it really gets its teeth into a matter and wants to act.

I repeat that I believe this will be another historic milestone in the long progress from a century of neglect of the Negro minority, an effort to deal with the new sociological migration in our country, which has so emphasized the problems of the slums and the ghettos, and will represent, in my judgment, a basic factor in the tranquility of our people and in the hopefulness which those in the ghetto may see for a better tomorrow.

I feel very deeply that the Senators whose names I have mentioned have every right to feel in their hearts that they have made a major contribution to the country. If Senator PERCY will permit me, he said, "Today is a great day"; and I am certain those of us who were active in this matter feel precisely that way.

Mr. MONDALE. Mr. President, today the Senate has enacted a bill—the civil rights legislation, including a strong fair housing title—which appeared politically impossible a month and a half ago. What we have witnessed in the past month of debates and votes in the Senate is the legislative development of an idea whose time has come.

Racial segregation in housing is one element in the Negro disillusionment and despair which the Riot Commission warns is leading us to two Americas, one black and one white. The need to end discrimination in housing is manifest. The Senate has responded with a good fair housing bill—achieved by the determination of the civil rights leadership to have a bill.

The open housing provisions will lower racial barriers by three stages in the sale and rental of 52.6 million housing units. It will become effective immediately to bar discrimination in federally assisted housing. The second stage, covering multiunit housing such as apartments—but exempting owner-occupied dwellings of four or fewer units, including boarding

houses—become effective December 31. The third stage, effective January 1, 1970, prevents discrimination in the sale or rental of single-family houses handled by a real estate broker.

I ask unanimous consent that a chart detailing coverage of the fair housing provisions be printed in the RECORD at this point in my remarks.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

	Number	Enactment	Dec. 31, 1968	Dec. 31, 1969
Federally assisted	3,800,000	900,000		2,320,000
Multiunit housing	11,800,000		11,800,000	
Nonowner-occupied "Mrs. Murphy"	8,000,000		8,000,000	
Single family	36,000,000			29,000,000
"Mrs. Murphy" and Byrd	5,500,000			
Total	65,100,000	900,000	19,800,000	31,320,000
Total units			52,020,000	

Mr. MONDALE. The coverage of the fair housing provisions is far greater than we had anticipated, but I must warn that this bill is only a foot in the door. It does nothing affirmative to relieve the immense problems our Nation faces. It puts only a negative restriction on the sale and rental of housing. A person is left with all of his rights to sell to whomever he pleases—the first buyer with cash who appears, his neighbor, his son—but there is one thing he cannot do: he cannot if he uses a real estate broker refuse on the grounds of race to sell to a Negro buyer.

Mr. President, I hope that the House of Representatives recognizes—as the Senate has come to recognize—the absolute need for fair housing legislation. The House passed a fair housing provision 2 years ago—but many caution that prospects for House passage this year are not bright. I know that prospects were dim for Senate passage even 2 weeks ago—but determination achieved the result today. Determination by Members of the House can achieve the same result there. Only then will this fair housing legislation be law.

If this bill becomes law, the words "justice" and "fairness" will mean more to millions of our fellow Americans than it does today.

I could not let this moment go by without joining with the other Senators to express my appreciation to the sponsor of the substitute, the distinguished Senator from Illinois, who so ably and graciously developed this substitute and led the fight which has just been successfully concluded.

I could not let this moment go by without expressing my appreciation to the coauthor of the original fair housing proposal, the Senator from Massachusetts [Mr. BROOKE] and my colleagues on the Committee on Banking and Currency, a majority of whom joined to propose the original fair housing proposal; to Senator JAVITS and the many others who performed so ably and so effectively; to our remarkable Attorney General Ramsey Clark; to the President of the United States, who placed the full prestige of his office in support of this proposal, and who was personally involved to see that we arrived at this important day.

Perhaps I can be excused for saving the highest compliment of all for one of America's truly great citizens, one of the really magnificent gentlemen I have ever known, the able leader of this proposal, Senator HART. I feel that not even these words express fully what I try to say. Senator HART is not only a remarkably gifted Senator and attorney but, more than that, he is a totally committed decent citizen. The Senate, the country, and the world are better for him, and I shall forever value having had this opportunity to work with him on this proposal.

Mr. President, if this bill becomes law, as I am sure it will, the words justice and fairness will mean more to millions of fellow Americans than they do today.

Mr. HART. Mr. President, all I can say is, thank you, I am grateful to the Senator. Fair housing is in the bill and it is in the bill because of the Senator from Minnesota.

Mr. KENNEDY of Massachusetts. Mr. President, I wish to echo the sentiments so well expressed by the Senator from Minnesota [Mr. MONDALE].

Passage of a 1968 civil rights bill in the Senate has been the result of an extraordinary effort by many Members of this body, both on this side of the aisle and also among our Republican friends on the other side of the aisle.

We have all had an opportunity to see the efforts made here in this Chamber, but I also want to take note of the extraordinary amount of work by the distinguished manager of the bill [Mr. HART], which went into this legislation in committee.

As a member of the Committee on the Judiciary, I have seen over the last 3 to 4 years the dedication of the Senator from Michigan when the issues of civil rights protection and housing legislation came before that committee. I can attest personally to the extraordinary effort by the distinguished manager of the bill in raising this issue, keeping it alive, and bringing to the debate on it his foresight, intelligence, and concern. It is therefore especially appropriate, as we recognize the contributions made by so many in the Senate during this period, to recognize as well the great efforts made by Senator HART to lay a strong foundation for this bill in the Committee on the Judiciary.

Certainly today we celebrate not only the past few weeks of effort which have brought us affirmative Senate action but also the many months and even years of deliberation and concern that have laid the predicate for this landmark legislation, under Senator HART's leadership and with the work, support, and encouragement of the many other Senators who have participated in this effort. The Senate can certainly be proud of itself today, for we have shown that the combination of hope and hard work with the goals of justice and fairness can produce action for progress through the democratic process.

Mr. HART. I thank the Senator from Massachusetts. Life on the Committee on the Judiciary is more pleasant and the effectiveness of the legislation we have just passed is greater because the Senator from Massachusetts is also on the committee. I am very grateful for the Senator's remarks.

Mr. BROOKE. Mr. President, this is a historical occasion. This body has spoken. It has spoken decisively on a series of votes, the most important of which, of course, were the vote on cloture, when two-thirds of the Members present and voting, voted cloture, and, the vote today when the Senate overwhelmingly passed the bill.

Mr. President, it has been a rewarding experience to work on this important and essential piece of legislation. I have the greatest admiration and respect for my colleagues who worked on this legislation. They have been named on the floor this morning. If the Presiding Officer will indulge me, I cannot help but name them again.

The distinguished floor leader of this bill, the Senator from Michigan [Mr. HART], who has given so much of his time, attention, and dedication to the passage of this legislation, certainly must be commended, as well as my most worthy and able colleague, the senior Senator from New York [Mr. JAVITS]. The two of them have given yeoman leadership to this legislation and certainly deserve our praise and commendation.

I am especially pleased to have worked with the distinguished Senator from Minnesota [Mr. MONDALE]. Senator MONDALE has persevered; he has had faith, he has had confidence, he has had hope, and he has been a most effective proponent of this important legislation. When I joined with him as a cosponsor of the Mondale-Brooke open housing amendment to the legislation, very few Senators or people across the country had a belief that this legislation would be passed in this session of the Senate. I commend the Senator from Minnesota [Mr. MONDALE] for that confidence, faith, and perseverance.

I also wish to single out the distinguished Senator from Illinois [Mr. PERCY], my Republican colleague, who came in with us and worked hard night and day in order to persuade Members on the Republican side that they should support this worthy legislation. I also wish to single out the distinguished Senator from Tennessee [Mr. BAKER] who, as has been said, was not always with us, but was most effective in working with the distinguished minority leader on the substitute bill in final form.

Of course, Mr. President, I wish to give commendation to the distinguished majority leader for his patience, because all through the time that we needed time to work out the legislation the distinguished majority leader at all times was willing to listen to us and work with us and give

us the time that was so essential in passing this important legislation.

I also wish to commend my distinguished minority leader, Senator EVERETT DIRKSEN, without whom this bill could not have been passed.

I also wish to pay my respect to the distinguished Attorney General of this United States of America. He also persevered. He used his staff and he used his staff wisely. He personally came to many of the meetings and worked with us to get the legislation in form for its passage.

Mr. President, my comments about distinguished Senators and the Attorney General certainly extend to their staffs. I have never seen better staff relationship or better workmanship than I have seen with the members of the staffs of Senators involved in this particular legislation.

Mr. President, this day was a very rewarding experience. It shows what can be done when men of good will, men who believe in a cause, men who believe not only in legality but also morality of a cause join together to pass important legislation. It does not mean that the passage of this legislation will cure all the wrongs and ills in this country. Unfortunately it does not mean that every black man in this country can get a house of his own choice because the bill does not go that far, but it is a giant step in the right direction. It will give hope, it will give encouragement not only to black Americans but also white Americans that the Constitution of the United States means what it says, and that the way to achievement in the United States is not through violence or bloodshed but through orderly means under law and justice under law.

So it has been a great experience. I trust that the House of Representatives will follow suit and pass legislation in this session of Congress so that we can have an effective piece of open housing-civil rights legislation which will become law.

In conclusion I again wish to thank my distinguished colleagues whom I admire, respect, and love, and let me say that at this moment the Senate stands proud.

Mr. HART. Mr. President, the Senate stands proud in large part because there is a Senator BROOKE from Massachusetts. His just being here, I think, speaks eloquence and shows progress.

More importantly, those of us who worked with him during the last 2 months have come to know that he brings extraordinary talent and great effectiveness to the Senate.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MONDALE. Mr. President, before we conclude this area of discussion I wish to respond to the most gracious and overflattering remarks of the Senator from Massachusetts.

He performed not only ably as is always the case but also with great inspiration and devotion throughout this struggle. He was one of the key anchormen without whom this legislation could not pass.

I am inspired by this opportunity to work with him and I am most grateful to him not only for his kind words but more importantly for what he has done in the Senate and for the country.

I note the presence in the Chamber of the distinguished Senator from Illinois [Mr. PERCY], who joined as a cosponsor of this measure and fought shoulder to shoulder with the rest of us to bring us to this very happy and inspiring day. Similarly, I want to express my deep appreciation to him for his help and assistance, and his words of encouragement throughout this debate.

Mr. PERCY. Mr. President, will the Senator from Minnesota yield for a brief comment?

Mr. MONDALE. I am happy to yield to the Senator from Illinois.

Mr. PERCY. Mr. President, there have been two names which I think should be mentioned in addition to the others. A week ago today they were not quite sure whether they would vote for cloture. I refer to the distinguished Senator from Kansas [Mr. CARLSON] and the distinguished Senator from Iowa [Mr. MILLER]. Even after voting had started, they both still had deep concerns and reservations as to whether the legislation in its then present form was right. They certainly would not have voted for cloture if they had not felt they would have the opportunity to evaluate, argue for and vote on amendments to the bill that would resolve their doubts.

We are deeply appreciative of their faith in the Senate. We are also deeply grateful for the votes for cloture on that now historic day that gave the Senate the opportunity to work its will on this measure.

In thinking back over 3½ years of campaigning for public office, attending hundreds of county fairs, shaking hands with hundreds of thousands of people and traveling tens of thousands of miles, I can easily say that all of that has been worth the privilege of being a part of the effort in taking this great step forward today toward true equality in our society. To see this great two-party system operate, to see men who have authored a bill step aside to have a substitute amendment placed instead to require their redoubled efforts, and to see the dedication of all those who have contributed to this legislative accomplishment according to their own deep convictions have been a very inspiring and humbling experience for a freshman Senator.

The efforts of my distinguished senior colleague from Illinois [Mr. DIRKSEN] have contributed enormously to this achievement—I again commend the wisdom and skill which have put his name on another landmark civil rights measure.

So far as I am concerned, the distinguished Senator from Massachusetts [Mr. BROOKE] and the distinguished Senator from Minnesota [Mr. MONDALE] will always have their names emblazoned on what I consider to be a great historic step forward in the action the Senate has taken today.

There is little that I could add to the consistent record of leadership the distinguished senior Senator from New York [Mr. JAVITS] has already earned in greater eyes then mine. But I have been privileged to see firsthand these past few weeks his high idealism coupled with a tenacity of purpose and legislative skill for which I have developed the greatest admiration.

The skill, devotion, patience, and deep feeling of the distinguished Senator from Michigan [Mr. HART] have been a great inspiration to me.

Mr. President, I stand in great awe and respect of this great deliberative body today. I am hopeful that the bill will be approved by the House of Representatives. I am sure they will find—as we have found—that the time for this legislation is indeed at hand. The example we can thus set and the heightened moral tone we can give to our society can be one of the great accomplishments of the 90th Congress.

Mr. HART. I thank the Senator from Illinois and repeat what I said in earlier remarks, that he brings to the Senate a skill that is so necessary when votes are tough to come by at the very end. His reputation as a salesman has preceded him—and I use that in the finest sense—but he was able to persuade some very important votes which made possible today's celebration.

I know there are colleagues who think we have delayed them unduly, but let me say that we took 8 weeks to arrive at this successful afternoon, and that it actually began months before that in the Committee on the Judiciary.

Thus, again, I close by thanking all who assisted me for their patience and their understanding.

Thanks and tributes have been voiced for the contributions by staff members. I know the value and quality of this service and join in thanking them. I want particularly to acknowledge the thought, skill, and effort of Terry Segal of my own staff. He is a most able lawyer and talented legislative draftsman. His constructive mark is on this bill.

Mr. SPONG. Mr. President, the Senate today has concluded more than 2 months of debate and passed legislation that would provide for the protection of individuals exercising certain federally protected rights, open housing, and riot control.

The Senate originally had before it for consideration only the protection bill, but in the course of the debate the open-housing and riot-control amendments were added.

On several occasions I have made clear my support for a criminal statute which would protect individuals in the exercise of their civil rights. The bill passed by the Senate today would punish violent interference with an individual because of his exercise of certain civil rights—the right to vote, to attend school, to travel, to enjoy employment or union membership, to participate in Federal, State, or local programs, to serve on juries and to use public accommodations. In the votes on the protection provisions of this bill I followed a general policy of supporting a strong and effective protection statute.

During my campaign for the Senate I stated my opposition to Federal open-housing legislation, and in the votes on the open-housing amendments to this bill I maintained this position. It is because of my opposition to these provi-

sions that I voted against final passage of the bill.

The Senate also added to the original civil rights protection bill several antiriot amendments. One would make it a Federal offense to travel in interstate commerce or on interstate facilities with intent to incite, organize, or take part in a riot. Another would make a person subject to criminal penalties if he instructed another person in the use of a firearm, explosive, or incendiary device with the knowledge that the other person would use them in a riot. This amendment would also make a person subject to criminal penalties if he manufactured or transported firearms, explosives, or incendiary devices for use in a riot. Another amendment made it a criminal offense to interfere with policemen or firemen during a riot. I supported these and other provisions which would increase the capacity of our Nation to deal with the serious problem of civil disorder.

TO PROVIDE THAT THE UNITED STATES SHALL HOLD CERTAIN CHILOCCO INDIAN SCHOOL LANDS IN TRUST—CONFERENCE REPORT

Mr. McGOVERN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 536) to provide that the United States shall hold certain Chilocco Indian School lands at Chilocco, Okla., in trust for the Cherokee Nation upon payment by the Cherokee Nation of $3.75 per acre to the Federal Government. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of March 13, 1968, pp. 6261–6262, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McGOVERN. Mr. President, as amended and passed by the Senate, H.R. 536 provided for the outright conveyance to the Cherokee Tribe of 2,668 acres of surplus Federal land in Oklahoma. The House-passed bill had provided that this donation of land would be in a trust status. In addition, the Senate amended H.R. 536 in several other ways, including the retention of minerals in the subject lands by the United States.

At the meeting of the conferees on February 29, the House conferees receded from their objection to five of the Senate amendments, but insisted that, with respect to minerals in the lands, they should be included in the conveyance. Senate conferees agreed, based upon a long series of similar situations in which Federal lands have been donated to tribes and, invariably, minerals have been included. The conferees do not believe that it would be fair to withhold minerals in this case since they are of nominal value.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on adoption of the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 889. An act to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California; and

S.J. Res. 123. Joint resolution to approve long-term contracts for delivery of water from Navajo Reservoir in the State of New Mexico, and for other purposes.

SUPPLEMENTAL APPROPRIATIONS, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 993, H.R. 15399.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15399) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. HILL. Mr. President, the bill, H.R. 15399, the urgent supplemental appropriation bill, 1968, came to the Congress with budget requests in the amount of $1,216,020,863. The bill as it passed the House on February 20, 1968, contained $1,214,780,863.

The bill as reported to the Senate contains a total of $1,380,445,863, an increase over the budget estimates of $164,425,000, and over the House allowance by $165,665,000.

Added by the Senate committee was $25,000,000—which was the Mundt-Holland amendment—for the direct loan account of the Farmers Home Administration to be derived from the direct loan account established pursuant to the Consolidated Farmers Home Administration Act of 1961.

Mr. President, the committee amendment which provides $25 million additional for operating loans for the Farmers Home Administration simply restores the $300 million authorization for such loans which was provided in the Appropriation Act for fiscal year 1968.

After enactment of the appropriation bill the Congress approved House Joint Resolution 888, authorizing reductions in obligations. As a result of this, the operating loan fund was reduced to $275 million. It is obvious that there is need in the various States for the additional amount carried in the Senate amendment and I recommend its adoption by the Senate.

I have before me a summary which shows the status of operating loan funds by States as follows: First, in eight States applicants were informed that due to the commitment of all available loan funds they would not be able to process either initial or subsequent loans; and second, in addition, there were 13 States in which farmers had been advised that no loan funds remained available for processing of initial loans.

Under the law and existing regulations, farmers are not entitled to obtain loans from the operating loan fund of the Farmers Home Administration unless a showing is made that they are unable to obtain production credit from other sources. There is a heavy demand for farm credit and unfortunately in many rural areas the agricultural banks are already fully committed and such banks are therefore limiting new loans to their prime customers. In view of this, there are some farmers whose credit requirements were previously served by such banks and who are now being denied credit and have come to the Farmers Home Administration for production credit for this year.

Added was $500,000—by the Senator from Arizona [Mr. HAYDEN]—for "Forest protection and utilization" of the Forest Service for the Federal share of replacing improvements on national forest ranges in Arizona damaged in the extremely heavy snowstorms of December 1967. Because use of these ranges is necessary throughout the year, rehabilitation is urgent.

The committee also added—by the Senator from West Virginia [Mr. BYRD]—$75,000,000 for "Manpower development and training activities" under the Manpower Administration of the Department of Labor to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962 to be used for "Neighborhood Youth Corps type" projects.

Congress had an estimate for $28,800,000 for "Unemployment compensation for Federal employees and ex-servicemen" which was allowed in its entirety by the House. This item was not fully explained to the Senate Committee on Appropriations and $800,000 sought for trade adjustment activities was deleted in the absence of clear information on the need for the funds. We expect to have the full story in time for the conference between the two Houses on the item.

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. RANDOLPH. Appropriate mention has just been made of the amendment offered by my able colleague, the Senator from West Virginia [Mr. BYRD], in the amount of $75 million for summer jobs. I had the privilege of joining him in sponsoring the amendment, and discussed it with him prior to the markup. I realize that prior to acceptance of that figure, the $150 million proposal of the Senator

from New York [Mr. JAVITS] and the Senator from Texas [Mr. YARBOROUGH] had been, I believe, substantially defeated; but there was the feeling within the committee that the efforts of the Senator from New York [Mr. JAVITS], the Senator from Texas [Mr. YARBOROUGH], and other Senators, focused attention on the problem.

Let me express my thanks to the committee, and my approval of the leadership that my colleague, Mr. BYRD of West Virginia, has rendered in this vital effort.

The additional $75 million to be appropriated for the Manpower Administration of the Department of Labor is a crucial item in this bill. This will provide funds for an estimated 170,000 summer jobs for our Nation's disadvantaged youth. These jobs will be Neighborhood Youth Corps type jobs. In addition to providing job experience and income for the young people, the program will enable urban and rural communities to have valuable assistance in undertaking community enhancement projects. Many of these will be projects which might never have been initiated under the limited resources of our communities.

Mr. President, the work which will be provided through this supplemental appropriation are much needed. I have long been an advocate of job-experience programs for our young people, so that they might have the opportunity to learn, to earn, to gain self-respect, and to realize the value of accomplishment. It is my genuine hope that the Senate position will prevail.

Mr. HILL. Let me say to the Senator from West Virginia that I well recognize his long and deep interest in manpower development and training activities. I know that as a member of the Committee on Labor and Public Welfare, he has taken the leadership in bringing forth programs for manpower development and training activities. Certainly, he is entitled to great credit for the fine work that he has done.

Mr. RANDOLPH. I thank the Senator from Alabama very much. It has been a privilege to serve under his excellent chairmanship.

Mr. HILL. Mr. President, for Public Law 874, for maintenance and operation of public schools in the federally affected areas, as authorized by Public Law 874, the committee added $90,965,000, a sum sufficient to pay entitlements in full for fiscal year 1968 together with the sums heretofore appropriated, $395,390,000.

Mr. RANDOLPH. Mr. President, I am gratified that the Senate Appropriations Committee has accepted the amendment to provide an additional $90,965,000 for school assistance in Federally affected areas, under Public Law 874. It was my privilege to join with the distinguished chairman of the Education Subcommittee, Senator MORSE, in advocating the adoption of this amendment. There were other Senators who pressed for approval.

These funds are important to many of our school areas across the Nation, including my own State of West Virginia. As Senators know, the committee action in approving this amendment will provide for the payment of full entitlement to school districts for operation and maintenance. School districts plan in advance for the utilization of this money. Without the additional $90 million, many school districts would be severely hampered in program implementation and financial planning.

Mr. President, I commend the chairman and members of the Senate Appropriations Committee.

Mr. HILL. The bill contains the full budget estimate for "Grants to States for public assistance," $1,135,000,000, and $1,900,000 in new obligational authority for "Grants for rehabilitation services and facilities," for statewide planning grants authorized by the Vocational Rehabilitation Amendments of 1967.

The committee approved the full amount sought, $50,980,863, for claims and judgments. It was necessary however to amend the item by adding words for the transfer of funds from the postal fund in the amount of $174,334. The Bureau of the Budget in the budget message submitted to the Congress inadvertently failed to point this out in the message.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be considered for the purpose of amendment as original text; provided, however, that no point of order against any amendment shall be deemed to have been waived by the adoption of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HILL. I yield to the distinguished Senator from South Dakota.

Mr. MUNDT. Mr. President, I suggest that the Senator from Alabama may like to be seated, as I proceed to discuss the bill.

Mr. CLARK. Mr. President, will the Senator yield to me for 30 seconds?

Mr. MUNDT. I yield to the Senator from Pennsylvania for 30 seconds.

Mr. CLARK. I heard a unanimous-consent request made. I did not hear what it was. Was there anything in the request which would prevent the offering of an amendment?

Mr. HILL. Mr. President, no. The Senator from Pennsylvania knows that I would never propose a unanimous-consent request to prohibit the offering of an amendment on the floor.

Mr. CLARK. The righteous indignation of the Senator indicates that no such request was made. I thank the Senator for yielding.

Mr. MUNDT. As the ranking minority member of the subcommittee, I would like to congratulate the Senator from Alabama [Mr. HILL].

The PRESIDING OFFICER. Would the Senator indicate whether he would like the unanimous-consent disposed of first?

Mr. MUNDT. Is there a unanimous-consent request before us?

The PRESIDING OFFICER. Yes.

The question is on agreeing to the unanimous-consent request of the Senator from Alabama.

Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, after line 1, insert:

"DEPARTMENT OF AGRICULTURE

"FARMERS HOME ADMINISTRATION

"DIRECT LOAN ACCOUNT

"For an additional amount for the 'Direct Loan Account', for operating loans, $25,000,000."

On page 2, after line 6, insert:

"FOREST SERVICE

"FOREST PROTECTION AND UTILIZATION, FOREST LAND MANAGEMENT

"For an additional amount for 'Forest protection and utilization', for 'Forest land management', $500,000."

On page 2, after line 12, insert:

"MANPOWER ADMINISTRATION

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

"For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $75,000,000."

On page 2, line 22, after the word "ex-servicemen," strike out "$28,800,000" and insert "$28,000,000".

On page 3, after line 2, insert:

"OFFICE OF EDUCATION

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

"For an additional amount for payments to local educational agencies for the maintenance and operation of schools as authorized by title I of the Act of September 30, 1950 (Public Law 874—Eighty-first Congress), as amended, $90,965,000."

On page 4, at the beginning of line 16, insert "including $174,334 payable from the Postal fund,".

Mr. MUNDT. Mr. President, the Senator from Alabama stepped into the breach caused by the illness of the Senator from Rhode Island [Mr. PASTORE], chairman of the Subcommittee on Deficiencies and Supplementals, and did an excellent job chairing our subcommittee. He undertook the task with dispatch, greater dispatch than one ordinarily associates with a southern gentleman. He kept his nose to the wheel and got out what I think was a fair, legitimate, appropriate supplemental bill under the circumstances. I shall join the acting chairman of the subcommittee in resisting any amendments either to increase or decrease the decisions which we have so laboriously arrived at, after careful hearings, after long study, and after consultation with people concerned with the major problems of our times.

I would like to call special attention to two of the increases which are provided for in the bill without a budget figure. These were creatures of the committee itself, confronted with facts which involve the country. Responding to those needs, we have made two substantial additions, two of which I was particularly active in procuring, and another which was introduced by the Senator from West Virginia [Mr. BYRD], which he will probably discuss in his good time.

I would call attention first to the $25 million added to the Farmers Home Administration. This was an amendment which I personally offered, and was joined by the Senator from North Dakota [Mr. YOUNG] and at the end by the Senator from Florida [Mr. HOLLAND], because of the serious problem which has developed in rural America as a result

of a Presidential order freezing $25 million of the funds which Congress had appropriated last year for this very important loan program for American farmers.

As the result of that freeze order, the FHA has been trying out a whole new concept of measuring whether or not a farmer should be entitled to a loan, making it sometimes very much like a poverty oath. I thought we had long ago discontinued insistence on a poverty oath for our citizens, but the FHA Administrator has been applying a new, stringent means test to farmers seeking to borrow money to expand their operations or take care of expenses for spring planting and treatment of the land.

In this era of unprecedentedly high interest rates for farm borrowers—I think the highest in 100 years—farmers have great difficulty borrowing money in the first instance from the available sources of credit, and are having very great difficulty paying these astronomical interest rates. So, to correct this situation, and to make the FHA realize that this Congress does not want it to insist on a poverty oath before farmers can borrow for their needs, I offered the amendment providing $25 million, restoring the amount exactly to that which Congress appropriated last year before the $25 million was frozen.

Mr. President, I ask unanimous consent to place at this point in the RECORD letters received by me from Mr. Higbee, dated March 4, and one dated March 5.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., March 4, 1968.

Hon. KARL E. MUNDT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUNDT: In accordance with your request for a summary of loan funds made available to Farmers Home Administration in fiscal year 1968 for individuals for operating loans and real estate loan purposes, there is attached a schedule that reflects this information.

The schedule separates and lists the programs by direct loan funds and insured loan funds. There is also shown applications on hand, and an estimate of additional loan applications that will be received by June 30, 1968.

Sincerely,

FLOYD F. HIGBEE,
Acting Administrator.

(Attachment.)

FARMERS HOME ADMINISTRATION

SCHEDULE OF REAL ESTATE TYPE LOAN AND OPERATING LOAN FUNDS FISCAL YEAR 1968

[Dollar amounts in thousands]

	Congressional authorization		Authorized program level		Applications on hand, Mar. 5, 1968			Applications estimated to be received, Mar. 6, 1968, to June 30, 1968		
	Estimated number	Amount	Estimated number	Amount	Number of applications	Resulting in loans		Number of applications	Resulting in loans	
						Number	Amount		Number	Amount
Direct funds:										
Operating loans	68,000	$300,000	50,474	$275,000	9,292	7,433	$52,000	12,500	10,000	$70,000
Individual real estate	900	10,000	450	5,000						
Individual soil and water	700	2,000	350	1,000						
Total, direct funds		312,000		281,000						
Insured funds:										
Individual real estate	11,000	200,000	11,000	200,000	16,000	8,000	160,000	12,000	6,000	120,000
Individual soil and water	1,000	5,000	1,000	5,000						
Soil and water, associations	1,300	245,000	802	122,000						
Total, insured funds		450,000		327,000						

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., March 5, 1968.

Senator KARL E. MUNDT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUNDT: In accordance with the request from your office regarding operating loan funds, we are responding to the following questions:

1. How have these funds been used to date?

A total of $224,760,307 has been used or obligated to date. Of this total $124,226,330 has been used for subsequent loans (loans to borrowers already indebted to FHA). A total of $100,533,977 has been used for loans to new borrowers (initial loans). This leaves a total of $46,151,432 that has not been obligated in the late lending states.

Of the $46,141,432 remaining unobligated $30,688,225 has been reserved for subsequent loans and $15,463,207 reserved for initial loans.

2. How many applications do you have on hand at present?

There are 9,292 applications on hand in those states now out of initial loan funds. We estimate that 80 percent of these applications would result in loans if funds were available. This means that 7,433 loans (average loans $7,000) for $52,000,000 could be made if funds were available.

3. How many applications will be received between now and June 30?

Our best estimate is that 12,500 applications for new loans will be received between now and June 30. Of this number we estimate that 80 percent or 10,000 will materialize into loans. The average size of initial loans is $7,000. Therefore, we estimate that it would take $70,000,000 to meet the needs to June 30.

4. How many states are out of both initial and subsequent funds?

The following 28 states are out of funds: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kentucky Louisiana Maryland, Massachusetts, Mississippi, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Nebraska, Oregon, Rhode Island, South Dakota, West Virginia, Wisconsin, Wyoming, Alaska, Hawaii.

The following states have exhausted the funds allocated for initial loans: Idaho, Texas, Pennsylvania, South Carolina, Tennessee, Utah.

Sincerely yours,

FLOYD F. HIGBEE,
Acting Administrator.

Mr. MUNDT. Mr. President, may I say that the $25 million addition was accepted and agreed to by our committee almost unanimously. In the colloquies around the table, it was brought out that if this is not enough to carry out the legislative purpose of this act and to provide the farmers of this country with what is necessary to meet legitimate borrowing needs in this new era of high interest rates to develop and expand the operations of their farms so they can become substantial farmers, going it on their own in the future, as they have done so much in the past, in the next supplemental bill we shall have to consider making available additional funds.

I mention one other item because, at long last, this committee, and I expect the Senate, is going to redeem a promise made to American school boards, administrators, and schoolchildren in connection with Public Laws 874 and 175, the impacted area legislation.

I share the concern of some that this legislation should be looked at again and perhaps some corrections made. Perhaps inquiry should be made into it, but it is the law. I happen to believe that when we pass a law of this kind, and there has been a record of administration which gives a legitimate expectancy to school boards that they are going to have so much available from the Federal Government to meet impacted area problems, it is not good government for us to repudiate that pledge without warning, to change the significance of the law without giving them an opportunity to adjust their school budgets, thereby compelling certain schools to close after 5, 6, or 7 months of the school year, and certain other schools to operate with completely inadequate funding throughout the school year.

So I am proud to say that this amendment for $90,965,000 was adopted by our committee with more enthusiasm and unanimity than any amendment which I can recall being added for an unbudgeted item to a bill of this kind.

Senator FULBRIGHT suggested that he would like to offer such an amendment on the floor. Senator BARTLETT and Senator YOUNG of North Dakota joined me in suggesting this amendment. Then it sounded like a Tower of Babel because so many Members wanted their names added as cosponsors. So I suspect enough

names were available as cosponsors to produce a favorable result.

But I can testify to the fact that this amendment was adopted unanimously by that committee, and I want the Senate to know that, in case somebody should decide to launch an attack against this fulfillment of a pledge to the schoolchildren of America. I hope it can be unanimously accepted by the Senate; and I certainly hope and believe that the Members of the House of Representatives, confronted with the grim facts which are available if they will examine the record, and the attitude of the Senate, will support the amendment. Then, if in another year it is found there should be legislative changes, let them be made sufficiently far in advance so that the school boards, the school administrators, and the schoolchildren of this country will know what the rules of the game are before they have made their contracts for teachers and established their arrangements for the school year.

Those, Mr. President, are the two amendments to which I wish to call attention. I ask unanimous consent to have printed in the RECORD at this point a letter to me dated February 26, 1968, from Mr. James F. Hortin, the acting director of school assistance in federally affected areas, with an enclosed list of heavily impacted districts.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., February 26, 1968.

Hon. KARL E. MUNDT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MUNDT: In a recent telephone call, Mr. Reid of your staff requested information about school districts which are applicants under Public Law 81-874 and where the Federal impact is heavy. He asked for data about the degree of impact in terms of the number of federally connected children as compared to the total enrollment and the percentage of the budget which would be anticipated from payments under Public Law 874 if the appropriation permitted payments without proration.

By way of explanation, a child who resides on Federal property and has a parent employed on such a property belongs on the 3(A) category. A child who resides on or has a parent employed on Federal property belongs to the 3(B) category. The rate of payment for a 3(B) child is one-half that for a 3(A) child. There are a good many school districts where the degree of Federal impact is relatively heavy. Enclosed is a list of some of them.

I trust this information is satisfactory.

Sincerely yours,

JAMES F. HORTIN,
Acting Director, School Assistance in Federally Affected Areas.

Applicant	Number of children			Percentage Federal	Percent of budget from 874 funds
	3(a)	3(b)	All children		
Douglas School District, South Dakota	2,505	267	2,950	93.9	80.2
Limestone, Maine	1,706	208	2,343	81.6	65.8
Ayer, Mass	1,980	330	2,925	78.9	68.6
Fort Sam Houston, Tex	1,480	46	1,526	100.0	85.1
Rudyard, Mich	1,850	161	2,411	83.4	29.6
Air Academy, Colo	1,769	595	3,304	71.5	46.7
El Paso County School District No. 3, Colorado	0	2,818	5,827	48.3	26.9
Grand Forks, N. Dak	2,853	752	9,754	36.9	17.7
Fort Leavenworth, Kans	2,200	25	2,225	100.0	60.4
China Lake, Calif	2,546	15	2,561	100.0	42.4

Mr. MUNDT. I also ask unanimous consent to have printed in the RECORD a compilation so that all Senators may see, State by State, exactly what is involved in terms of meeting and fulfilling the official pledge of the people's government, which shows the amount that was appropriated, the full amount to which they are entitled, and the difference, State by State. These shortages have been eliminated by the action of the committee.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF ALLOCATION AND ESTIMATED NEED, PUBLIC LAW 874 AS AMENDED, FISCAL YEAR 1968

State or territory	1968 appropriation	1968 entitlement	Difference
Total	$395,390,000	$486,355,000	$90,965,000
Alabama	8,955,406	10,888,075	1,932,669
Alaska	9,762,046	12,172,490	2,410,444
Arizona	6,285,722	7,837,792	1,552,070
Arkansas	1,953,560	2,435,933	482,373
California	60,978,019	76,034,711	15,056,692
Colorado	10,290,723	12,831,708	2,540,985
Connecticut	2,616,498	3,262,564	646,066
Delaware	2,350,131	2,671,001	320,870
District of Columbia	4,618,402	5,758,437	1,140,035
Florida	12,953,787	16,030,492	3,076,705
Georgia	12,330,086	14,496,199	2,166,113
Hawaii	6,857,193	8,550,371	1,693,178
Idaho	2,418,106	3,015,185	597,079
Illinois	9,983,678	12,448,848	2,465,170
Indiana	3,039,259	3,789,713	750,454
Iowa	1,787,388	2,228,730	441,342

SUMMARY OF ALLOCATION AND ESTIMATED NEED, PUBLIC LAW 874 AS AMENDED, FISCAL YEAR 1968—Continued

State or territory	1968 appropriation	1968 entitlement	Difference
Kansas	$6,196,140	$7,726,091	$1,529,951
Kentucky	6,040,371	6,413,502	373,131
Louisiana	3,001,338	3,713,288	711,950
Maine	2,661,479	3,318,651	657,172
Maryland	18,746,284	23,377,258	4,630,974
Massachusetts	10,412,223	12,812,595	2,490,372
Michigan	4,981,623	6,211,685	1,230,062
Minnesota	1,706,172	2,127,460	421,288
Mississippi	2,478,037	3,089,914	611,877
Missouri	5,221,005	6,510,176	1,289,171
Montana	3,228,800	4,026,055	797,255
Nebraska	3,802,700	4,741,663	938,963
Nevada	2,719,033	3,390,417	671,384
New Hampshire	1,859,828	2,319,057	459,229
New Jersey	7,904,435	9,856,198	1,951,763
New Mexico	7,912,906	9,866,761	1,953,855
New York	21,055,954	26,039,763	4,983,809
North Carolina	9,344,737	10,516,563	1,171,826
North Dakota	2,359,730	2,942,395	582,665
Ohio	9,660,120	12,045,397	2,385,277
Oklahoma	8,932,441	11,138,039	2,205,598
Oregon	1,945,923	2,419,913	473,990
Pennsylvania	7,313,773	9,018,024	1,704,251
Rhode Island	2,638,017	3,289,396	651,379
South Carolina	6,682,898	8,041,698	1,358,800
South Dakota	3,446,992	4,296,706	849,714
Tennessee	4,915,534	6,129,278	1,213,744
Texas	20,904,631	26,066,402	5,161,771
Utah	4,505,686	5,618,230	1,112,544
Vermont	122,508	152,758	30,250
Virginia	24,455,489	29,794,811	5,339,322
Washington	10,549,718	13,154,654	2,604,936
West Virginia	455,327	580,226	114,899
Wisconsin	1,669,789	2,082,093	412,304
Wyoming	1,304,017	1,626,005	321,988
Guam	1,307,307	1,630,107	322,800
Puerto Rico	5,429,002	5,465,710	36,708
Virgin Islands	104,419	130,202	25,783
Wake Island	223,610	223,610	0

Mr. MUNDT. I conclude simply by saying, Mr. President, that I hope the Senate will accept this appropriation bill as it has been reported unanimously by our committee. There are some items which, if I were acting independently, I should like to see reduced. I should like to see some other items increased somewhat. But it seems to me that in these stringent times, we have brought in about as tight a bill as we can bring in, and I think it goes as far as we can go, in a supplemental bill of this kind, toward meeting the various contingency problems and situations which have developed in this country.

So I urge the Senate to support the bill in the amount and in the form that it has been submitted.

IMPACTED SCHOOL PROGRAM NEEDS SUPPORT

Mr. BENNETT. Mr. President, I am very much pleased that H.R. 15399 has been reported by the Committee on Appropriations.

I have been a longtime supporter of Public Law 874 because I believe in its justness and its absolute necessity for the recipient school districts in my State. I think it is unfortunate that the administration is attempting to eliminate this critical program without any real concern for its impact upon federally connected school districts.

I supported Senator FULBRIGHT's amendment in the subcommittee and shall support the emergency supplemental when it is called up later today. I have received several telegrams from school district superintendents in my State pointing out the disastrous impact that the administration cutback effort would have. I am hopeful that congressional action will convince the President and the U.S. Office of Education that Congress will not accept their efforts to cut back Public Law 874, particularly at a time when the number of federally connected students is increasing rather than decreasing in most States.

I wish to compliment the Appropriations Committee for its quick action on the bill and express my optimism that the House of Representatives will accept the supplemental appropriation for Public Law 874.

I ask unanimous consent that an editorial, published in the Salt Lake City Deseret News of March 5, be printed at this point in the RECORD. It calls upon Congress to restore the funds for Public Law 874 to full entitlement.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RESTORE SCHOOL CUTS

Suppose you are in the school housekeeping business. You have made several necessary repairs and let contracts on others. You have hired teachers, school lunch personnel, janitors, bus drivers for the year. All your budgeted, funds are committed for the year.

Suddenly, someone comes along and cuts your budget by $250,000. What do you do?

That's exactly the situation some Utah school districts face with the recent 20 per cent cut in funds under the Impacted School Aid Program.

Davis School District stands to lose about $250,000 from a total maintenance and operating budget of $14,646,000. Weber County district figures its loss will be close to $200,000. Ogden and Tooele districts, and to a

lesser extent Granite District, also stand to lose substantial funds—nearly $1 million for the state.

Federal impact funds form an important source of school funds for those districts with large defense installations which are non-taxable but whose workers have children to be educated. In a way, the impact funds are "property tax" to aid such school districts.

"The cut would hurt us significantly because we have one of the lowest assessed valuations per school child in the state," says William R. Boren, superintendent of Weber County School District. "If we were to have a cutback of this size in our federal funds it would seriously handicap our educational program."

When a county's tax base is limited by federal installations, an impact aid program is fully justified. Arbitrary slashing of funds without any advance indication or planning is both short-sighted and harmful. For the sake of the youngsters whose futures are at stake, the cuts in the impact aid should be restored right away.

Mr. BIBLE. Mr. President, the importance of fully funding the Federal impacted areas assistance cannot be overemphasized. I wish to make it crystal clear now that the amendment proposing a $91 million supplemental appropriation for the program has my total support. I wish to urge the Senate to join me in that support, for I think it is essential that we backup in good faith the Federal commitment to our public schools and to our most precious resource—our Nation's youth.

As we all know only too well, even the original budget request for this program did not come up to the estimated entitlements when this committee considered appropriations under Public Law 874 for the current fiscal year. The estimated entitlements for operations and maintenance assistance totaled $461.5 million. The budget request was well under that—$416.2 million. This committee, endorsed by the full Senate, boosted the appropriation to $450 million, as you will recall, but the final figure after going to conference with the House was back to the budget request of $416.2 million.

So this program was in the hole at the outset.

Close on the heels of this was the mandatory budget reduction under Public Law 90-218, leaving $395.3 million for the program.

Meanwhile, because school districts in big cities and districts affected by post office employment qualified for Public Law 874 funds for the first time, the amount required for full entitlements rose to $486.3 million. The result, of course, is that only 80 percent of the program is now funded.

The shortage of anticipated funds under this assistance program hit especially hard because the final action on appropriations and budget restrictions came so late in the fiscal year. School districts had long since obligated themselves in accordance with their expectations under the law. Now they are faced with the necessity of cutting personnel to readjust obligations. It is far too late to cut back in other areas such as supplies and operating costs.

My own State of Nevada is $671,384 short of its full $3.3 million entitlement at this point. I think the problem is obvious. But the impact of this shortage on just one county will, I think, provide the most effective picture of the difficulties school districts are encountering.

In Clark County, the most populous district of Nevada, the 20-percent shortage in Public Law 874 funding represents about $474,000. The total entitlement for the current fiscal year is $2.1 million. The district budgeted, planned, and obligated itself along the lines of its entitlement, obviously.

If the school district had known before the school year began that significant reductions would occur in impacted areas assistance, it could have adjusted to stay within the new budgetary limitations in several ways. Library material and textbooks could have been slashed by 71 percent. Or 87 custodial workers could have been terminated. Or 55 teachers could have been released. Or instructional supplies could have been cut back by 73 percent. Or districtwide special education programs could have been reduced by 21 percent.

Those are stringent measures, but they would have been preferable to the only remaining course open to the district at this time so far along in the fiscal year. That course is to terminate 110 teachers from a staff total of some 2,500. The other obligations that might have been reduced earlier cannot be avoided now.

In Clark County, as in many areas of Nevada, the dependency on federally impacted areas assistance is substantial—almost unique. This is because:

First. Federal activities concentrate here because Federal land makes up 95 percent of its total 8,050 square mile area.

Second. The local tax base of 5 percent of the land area is too small to support all local governmental services.

Third. The families of those employed on tax-exempt Federal property number 75,000 persons.

Fourth. The school district enrollment of 63,000 students includes about 15,000, or 23 percent, whose parents are employed on Federal property.

Fifth. School building bonds now constitute a debt of more than $80 million payable by Nevada statute only from ad valorem taxes. Future enrollment projections indicate a new requirement of $60 million very soon.

Coupled with all these figures demonstrating Federal impact in Clark County is the fact that much of the recent and immediate future growth stems from the sudden growth of one Federal installation—Nellis Air Force Base, where a manpower buildup of some 3,000 is in progress. Some recent school enrollment growth figures, for the record, include a growth in the past calendar year of 3,269 students. Last month alone the school enrollment leaped by 150 students.

The need to keep good faith with the Federal commitment to our Nation's schools is now fully before this committee. Public education can be seriously affected if we do not take the right action. I hope the Senate will see fit to approve the supplemental funds for impacted areas assistance and stick by this decision in conference with the House.

PRIVILEGE OF THE FLOOR

Mr. CLARK. Mr. President, at an appropriate time I intend to propose an amendment to the bill on behalf of myself and the two Senators from New York [Mr. JAVITS and Mr. KENNEDY]. First, however, I ask unanimous consent that three members of the staff, Mr. William C. Smith, Mr. Peter B. Edelman, and Mr. Robert E. Patricelli be afforded the privilege of being present on the floor to assist us during the consideration of the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that my legislative aide, Mr. James Hightower, be accorded the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I commend the distinguished chairman of the committee, the Senator from Alabama [Mr. HILL], for the quality of his hearings during the consideration of this supplemental appropriation—particularly, of the impacted school aid provisions. In my State, as well as all over the Union, the cutback on this item amounted to a staggering 18.8 percent of the National Government's commitment to these schools. The distinguished occupant of the chair, Mr. BYRD of West Virginia, represents a State with a large number of military installations, and his State is one of the three highest in the Union in allocation for this purpose, and consequently, one of the three States that will suffer the most. My State is also one of those three.

Mr. President, I support the urgent supplemental appropriation that is before us now. The Appropriations Committee, on which I am pleased to serve, has held hearings on H.R. 15399 and has reported the bill favorably.

One aspect of this measure with which I have been especially concerned is the amendment to restore 91 million badly needed dollars to the entitlements of federally affected schools across America. For the most part, these are school districts serving the children of families on our military bases.

Because of a heavy enrollment of children from these federally connected families, who contribute little in local taxes, these schools are dependent on Federal assistance to meet their operating expenses. This assistance has come in form of funds granted under Public Law 874—a commitment begun in 1950 and continued to the present.

For fiscal year 1968, however, the entitlement for Public Law 874 was cut back from an expected $486,355,000 to $395,390,000. This represented a reduction of some 18.8 percent in the National Government's commitment to these schools.

The impact of this $91 million reduction has been what one would expect: disastrous. In my own State, Texas, there are some 135 school districts that are federally affected and entitled to assistance under Public Law 874. Due to this cutback, however, those Texas schools find themselves over $5 million short.

Mr. President, a Texas State law provides that a school district cannot operate on a deficit basis. If money plays out during the year, they have to consolidate schoolrooms, discharge teachers, or take other equally undesirable emergency measures.

We further have a law in my State that taxes cannot be levied retroactively. A school board can meet and raise the taxes for the future, but it cannot correct a deficit situation arising during the course of the year. Laws of this type exist in many States. In short, unless we today heed the recommendation of the Appropriations Committee to restore these funds, many schools in my State and in other States, are going to have to discharge teachers and reduce their operations. All of this through no fault of their own.

The stated reason for this cutback is the ever-mounting expense of our Vietnam involvement. Yet at the same time, the steady expansion of that involvement is pulling more and more American families onto military bases, thus increasing the number of children that these school districts must serve. Because of Vietnam, then, these schools have less money to serve more children living at or near military bases.

This is no mere question of budgeting and financing; it is a question of children and their education.

Whatever we are called on to sacrifice at home in order to pay for Vietnam, we cannot afford to sacrifice the education of our children, for to do so is to tighten our belt on the lifeline of our future.

Mr. President, along with many of my colleagues here in the Senate, I have worked hard and long to help develop this Government's commitment to assist financially those schools that are Federally affected. Public Law 874 is a good and a needed program. I urge that all Members support H.R. 15399, which restores $90,965,000 to this valuable and worthy educational act.

Mr. President, I commend once more the leadership of the distinguished Senator from Alabama in arriving at the unanimous vote of the Appropriations Committee alluded to by the Senator from South Dakota to restore complete fulfillment of the entitlements of these impacted school districts.

I have received considerable correspondence from concerned constituents in my State documenting the need for restoration of these funds to assist Texas school districts that are federally affected. These letters and telegrams are an indication of the widespread impact threatened unless the Senate moves today to reaffirm its commitment to the education of these children.

I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the items requested were ordered to be printed in the RECORD as follows:

AUSTIN, TEX.,
February 16, 1968.

Senator RALPH W. YARBOROUGH,
Committee on Appropriations,
U.S. Senate, Washington, D.C.

DEAR SENATOR YARBOROUGH: The purpose of this letter is to urge your consideration of the plight of the Del Valle Independent School District in view of the notice that Public Law 874 Entitlement has been cut by 20%. I am sure that the same circumstances exist with respect to other federally impacted school districts.

Budgets were established in good faith based upon the commitment of the Federal Government to provide funds for the education of federally connected students. There is no other legally available source of funds to which we can turn. It is incomprehensible to me that while elaborate provisions are made for fighting a war on one hand the children of the servicemen who are fighting the war are left without resources for their education.

It is clear that Congress has great pressures upon it for funds from all sources and in the light of our military obligation I can well recognize the need for reduction in expenditures at all levels. This default in the government's obligation cannot be acceptable to people of this country when the matter is adequately communicated. I urge you to use all available means to reinstate the defaulted appropriations.

Cordially yours,

WILLIAM B. HILGERS.

DEKALB PUBLIC SCHOOLS,
DeKalb, Tex., February 19, 1968.

Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR SENATOR YARBOBOUGH: We are in receipt of information from the U.S. Office of Education that payments under P.L. 874 for this school year are to be computed on the basis of 80% of the entitlement. We are also advised that the appropriation of fiscal year 1968 is $416,200.00 and of this amount $395,390.00 has been made available for the year for purposes of funding the Authorization under this Act.

Based on our first count of Section 3 B students under this Act, this district would lose in excess of $15,000.00 in operational funds for this school year on the basis of this proposed computation of entitlements.

This may seem to be a small amount, however, to our district it is a sizeable loss. The critical aspect of the situation is that fact that such information is made available to us after we have completed five of a nine months school term.

This information is brought to your attention and request is made that consideration and any assistance you might be able to render would be directed toward restoring this proposed 20% fund reduction for this year.

We will appreciate any help you may be able to give us in this matter.

Yours truly,

W. C. WOOLDRIDGE,
Superintendent.

LAREDO PUBLIC SCHOOLS,
Laredo, Tex., March 1, 1968.

Hon. RALPH W. YARBOROUGH,
Washington, D.C.

DEAR SENATOR YARBOROUGH: It has been gratifying to follow in the news media the lead you have taken in the fight to restore the financial cut proposed to be made in federal aid to impacted school areas as provided for in Public Law 874.

As you are aware, the Laredo Independent School District is vitally affected by the large number of Federal employees in the Custom, Immigration and Border Patrol branches of the government. As our commerce and tourist traffic with Mexico increases, a corresponding increase in personnel in Laredo is made. This, however, is only one aspect of federal impact; the Laredo Air Force Base, one of the largest primary jet training bases of the United States Air Force is expanding rapidly, apparently to keep pace with demands of the Vietnam crisis.

Children of the Federal civilian employees and Air Force personnel must attend our public schools. The administrative officers and trustees of the school provide for these increases and in making the budget we rely on the estimate of what we are advised will be forthcoming under Public Law 874. However, recently we were informed that the anticipated funds (already incorporated in the budget for the year) would probably be cut fifty per cent. This would indeed be a crippling blow to our entire financial structure. On his recent visit here, we made known to our Congressman, Honorable Abraham Kazen, Jr. the same facts and fears we express in this letter to you and we were assured of his assistance.

On behalf of the Administration of the Laredo Public Schools and its Board of Trustees, I would like to tender our heartfelt thanks for the stand you have taken in this matter and at the same time advise you that we are willing to help you in anyway we can in your battle.

Yours truly,

J. W. NIXON,
Superintendent.

NEW BRAUNFELS INDEPENDENT
SCHOOL DISTRICT,
New Braunfels, Tex., February 20, 1968.

Hon. RALPH YARBOROUGH,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I am writing with regard to the reduced appropriation for 1968 of Public Law 874, which you know to be the aid to local school districts affected by the influx of children of Federal employees and military personnel.

I am sure that you are well aware of the demands placed upon the schools by the teachers for increased salaries on the one hand, and parents for a more enriched educational program on the other. These two facts, coupled with the necessity of providing additional buildings and facilities to house the increase in students is rapidly pushing the schools to the point where we must cut back on our educational program in order to maintain fiscal reliability.

To inform you as to the impact of the 874 reduction on the New Braunfels Independent School District, please consider the following facts:

The 874 reduction of funds available to our District under this law is $12,000.00. This amount of money will require an increase of 4¢ per $100.00 on our tax rate to replace this loss.

Our latest bond issue, passed in September 1967, will require a 6¢ per $100.00 on our tax rate for service of these bonds.

Our present tax rate is $1.35 per $100.00, with a limit of $1.50 per $100.00.

I am sure that there are other schools that will be even more adversely affected by this loss of revenue.

May I strongly urge you to expend every effort to effect the reinstatement of 100% funding for the requirements of Public Law 874, and early payment to the school districts of these funds.

I feel that the education of our nation's children is of utmost important to our future, and the deletion of funds for this purpose is false economy.

May I hear from you regarding this most important matter?

Yours sincerely,

JON F. EIKEL,
President, Board of Trustees.

NEW BRAUNFELS, TEX.,
February 20, 1968.

The Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SIR: All the funds allocated under Public Law 874 for the New Braunfels Independent School District for the year 1967–68 have not been received and this is seriously impairing the operation of our school district.

Our budget included the allocation of funds available under Public Law 874; there-

fore, we must receive these funds or our school curriculum will be seriously hurt. The recent defense developments are placing an even larger burden on our school district since children of recently activated reservists have now been enrolled in our schools. The budgeted funds should be released by the federal government to the local school district so as to enable the district to continue providing a satisfactory level of education for our youngsters. I know of no other item which is more important to the future of our nation than the education of our children. I am sure you realize the less-educated citizens are more gullible in believing the false hopes, ideas, and theories exounded by subversive elements than our better-educated citizens. Money spent for education is an investment in the future and an investment for the preservation of our democratic society.

Our local taxes are near the maximum; and, if they were raised enough to offset the 874 allocation, they would exceed the maximum limits permitted by law.

Urgently request you use your good office to have the Administrative Branch disburse the funds which have been budgeted for the current school year.

Sincerely yours,

MELVIN JOCHEC.

NEW BRAUNFELS, TEX.,
February 21, 1968.

The Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR MR. YARBOROUGH: In following the recent trends and appropriations concerning Public Law 874, I have noted that there has been a reduction in the amount of the appropriation. Further, it appears that some of the money which was appropriated is now being withheld and may not be released during this fiscal year.

This "impact" money goes a long way in helping the New Braunfels Schools educate the children of servicemen and civil service employees who now attend our schools. The allocation per student is but a fraction of the actual cost of educating these students but every bit helps. With the recent call up of reservists and the increase in the war effort, there seems to be a much greater, rather than less, need for this federal assistance.

I would appreciate any effort you might make to restore the money which has been withheld so that it might assist the "impact" school districts of the nation. Your concern with PL 874 in the past is greatly appreciated by the New Braunfels Schools and the members of this community.

Respectfully,

HERBERT G. SCHOLLER.

SOMERSET PUBLIC SCHOOLS,
Somerset, Tex., February 28, 1968.

Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR MR. YARBOROUGH: We read in the San Antonio papers that you have introduced and are supporting the re-instatement of P.L. 874 funds.

We take this opportunity to thank you and commend you for your position on this important Legislation. The reduction in these funds is and has been of great concern to the Superintendents involved.

Let us beg of you to continue your efforts to make possible these funds for the impact area. As you well know school financing in the San Antonio area for some of us is getting to be critical. Reading of your stand on this important matter has caused us to be encouraged and hopeful.

Best wishes for you at all times.

Sincerely,

WILLIAM JAMES,
Superintendent.

MEDINA VALLEY PUBLIC SCHOOLS,
Castroville, Tex., February 27, 1968.

Hon. RALPH YARBOROUGH,
Senate Chamber,
Washington, D.C.

DEAR SENATOR YARBOROUGH: We have information that Senator Fulbright of Arkansas introduced an amendment in the Senate to Supplement H.B. HR 15399 adding $91,000,000.00 for payments to local school districts under P.L. 874. As you know, if this amendment becomes part of the law the 20% deficiency appropriation will be taken care of. This will mean $4,000.00 to our school district.

Very sincerely yours,

MATT F. BADER,
Superintendent of Schools.

ROBINSON INDEPENDENT
SCHOOL DISTRICT,
Waco, Tex., February 27, 1968.

Senator RALPH YARBOROUGH,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I received a letter today informing all school superintendents that the House passed H.R. 15399 or the "Urgent Supplemental Bill, 1968." This bill has been amended by Senator Fulbright of Arkansas adding 91 million dollars under P.L. 874. This bill is very vital to our school district.

I would appreciate any help from you in this matter, and I would like to be kept informed on the progress of this bill.

Sincerely,

WILLIAM C. BRADLEY, Jr.,
Superintendent.

ACADEMY PUBLIC SCHOOLS,
Temple, Tex., February 14, 1968.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Naturally, our school budget was made up before September and we had expected to get 100% of money from PL 874. Our schoool would appreciate very much if you could see fit to see that the $20,810,000 now withhheld from the 1968 appropriation be released for allocation prior to the close of the fiscal year.

Most respectfully,

J. MILTON EDDS,
Superintendent.

CORNER DRUG STORE,
Glen Rose, Tex., February 28, 1968.

Hon. RALPH YARBOROUGH,
Washington, D.C.

DEAR SIR: I'm a member of the Glen Rose Independent School Board of Trustees. We need your support for Public Law 874.

Sincerely,

PAUL R. HANCOCK, Jr.

BURKBURNETT PUBLIC SCHOOLS,
Burkburnett, Tex., March 5, 1968.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: By carefully analyzing the budget for the Burkburnett Independent School District for 1967–68, I find that 20% reduction in entitlement for 874 will be approximately $80,000.00. This $80,000.00 will shorten our school term by three weeks and three days. Therefore it is most important to us in planning a school of full nine months to receive full entitlement under 874 for 1967–68.

Your influence in securing same will be appreciated by the Burkburnett Independent School District.

Enclosed is a summary sheet of the Burkburnett Independent School District's growth for the last 18 years.

The total average daily attendance was 977 students for school year 1950–51, and this increased to 3368 for first count of school year 1967–68. The increase shows an increase from 177 average daily attendance in 1950–51 for federally connected children to 2267 in 1967–68. The per cent of the total student average daily attendance shows a growth of 18 per cent of the student body in 1950–51 school year to 67 per cent in 1967–68.

We further note that non-federal increased from 800 in 1950–51 to 1101 in 1967–68. The federally connected students increased from 177 in 1950–51 to 2267 in 1967–68.

The district valuation of $5,379,606.00 in 1950–51 shows a substantial increase to $12,834,740.00 in 1967–68. This has been accomplished by an increase in valuation placed upon property in 1959. However, the depletion of oil has been lowered at a very fast rate and has caused a shift from natural resources to personal property as a source for increased valuation. The District has not been able to meet the demands placed upon it by federally connected children it is schooling.

We have tried to point out some pertinent facts concerning the importance of keeping school open and taking care of federally connected or Impact children, and to point out the fact why they are an Impact upon the Burkburnett School District. We find it very necessary to meet our obligation and ask that you support our cause before the Congress. We earnestly solicit your support for H.R. 15399 with additional funds to pay full entitlement for Impact Aid.

Sincerely,

I. C. Evans, Superintendent of Schools; Jack Smith, President, Board of Education; Weldon Nix, Secretary, Board of Education; Gene Bankhead; Floyd Marten; Paul Fisher; Norman Roberts; Arlis D. Key.

BURKBURNETT INDEPENDENT SCHOOL DISTRICT, 1950–65

ATTENDANCE ANALYSIS, NON-FEDERAL VERSUS FEDERALLY CONNECTED—ENTITLEMENTS 3-A AND 3-B

Year	Total ADA	874 ADA	Percent 874	Total non-Federal percent	874 3-B entitlement	874 3-A entitlement	Total entitlement	Operating budget	District valuation
1950–51	977	177	18	82	$6,713.00		$6,713.00	$169,916.10	$5,379,606
1951–52	995	233	23	77	10,328.73		10,328.73	192,509.82	5,530,204
1952–53	986	225	22	78	9,201.38		9,201.38	239,553.07	7,540,429
1953–54	1,012	220	21	79	11,739.20		11,739.20	213,829.61	8,091,585
1954–55	1,102	230	20	80	12,875.40		12,875.40	254,599.34	7,158,725
1955–56	1,209	274	22	78	16,656.46		16,656.46	271,616.26	6,784,875
1956–57	1,246	419	33	67	30,419.40		30,419.40	238,565.00	7,117,716
1957–58	1,333	451	34	66	34,151.98		34,151.98	232,885.10	6,690,000
1958–59	1,521	565	36	64	43,996.00		43,996.00	407,979.92	7,088,530
1959–60	2,135	1,106	51	49	52,156.98	76,223.02	128,380.00	563,736.00	10,735,190
1960–61	2,553	1,501	58	42	64,605.09	123,521.91	188,127.00	623,805.21	11,330,045
1961–62	2,802	1,633	59	41	84,060.00	135,504.00	219,564.00	604,678.52	11,842,345
1962–63	2,834	1,628	57	43	98,537.00	136,305.00	234,842.00	989,322.81	12,409,752
1963–64	2,890	1,726	60	40	102,574.00	139,965.00	242,539.00	974,012.06	12,887,460
1964–65	2,888	1,786	62	38	109,872.00	151,905.00	261,777.00	1,000,307.47	13,114,210
Total					687,886.62	763,423.93	1,451,310.55		
1965–66	2,936	1,859	63	37	149,031.36	174,885.76	323,917.12	1,292,007.00	12,953,578
1966–67	3,166	2,099	66	34	187,233.00	156,384.00	343,617.00	1,581,519.00	12,957,450
1967–68	3,368	2,267	67	33	221,761.00	179,046.00	400,807.00	1,352,517.00	12,834,740

MINERAL WELLS INDEPENDENT SCHOOL DISTRICT,
Mineral Wells, Tex., February 29, 1968.
Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: We have been informed, in Bulletin No. 25, U.S. Office of Education, dated January 31, 1968, that, based on the appropriation for fiscal 1968, payments to federally affected schools under P.L. 81–874, will be prorated to schools at "around 80 percent" of entitlement. This level of payment would effect a reduction for Mineral Wells of about $70,000. The impact of such a reduction on a tight budget needs no elaboration.

I note that the House has passed H.R. 15399, a supplemental appropriations bill, and that Senator Fulbright has introduced an amendment in the Senate to this bill which, if successful, would substantially restore the 20 percent to impacted schools.

May I bespeak your continued support in this vital matter, and may I ask as a further favor that you advise me, if feasible, of the possibility of a favorable outcome of this issue.

It is good to be able to communicate with you.

Sincerely,

H. L. IRAFELD,
Superintendent of Schools.

SAN ANTONIO, TEX.,
February 27, 1968.
Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

The board of trustees of the Fort Sam Houston Independent School District, Randolph Air Force Base Independent School District, and Lackland Air Force Base Independent School District requests your wholehearted support of the Fulbright amendment adding 91,000,000 dollars for payments to local school districts under Public Law 874.

The above three school districts receive ⅙ of their monies from the Texas State per capita fund and ⅚ of their monies from Public Law 874. These three school districts receiving only 80% appropriation of Public Law 874 as it now stands will be able to meet their financial obligations only through March 31 of this year. This financial obligation includes over 350 educators and auxiliary personnel in the education of over 4,000 children of United States service men.

We urge your support at the present time of some special legislative enactment to afford U.S. Office of Education to fund enough monies for us to meet our obligations for the next three months thus enabling us to continue operation of the school district until such time that firm legislation has been enacted concerning Public Law 874. We are in need of some form of legislation as all these school districts have no tax base and therefore no means of supplementing the reduction of funds.

We sincerely hope we have your support regarding this urgent matter as it affects an intricate part of the education of children in Bexar County, San Antonio, Tex.

Yours very truly,

RALPH H. JONES,
Superintendent, Fort Sam Houston Independent School District, San Antonio, Tex.

CLAUDE A. HEARN JR.,
Superintendent, Randolph Air Force Base Independent School District, Randolph Air Force Base, Tex.

C. R. WILLINGHAM,
Superintendent, Lackland Air Force Base Independent School District, Lackland Air Force Base, Tex.

COUNTY JUDGES AND COMMISSIONERS ASSOCIATION OF TEXAS,
Gladewater, Tex., February 26, 1968.
Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

Please restore $91 million to impacted area program. School districts in Texas need this aid.

BILL OWENS, *President.*

SAN FELIPE INDEPENDENT SCHOOL DISTRICT,
Del Rio, Tex., March 4, 1968.
Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

Hon. SENATOR RALPH YARBOROUGH: We urge your immediate attention and support to House bill 15399. Urgent supplement bill 1968, pertaining Federal impact bill. Above bill considered vital this area.

Sincerely,

HOMER C. SIGALA,
Superintendent.

GATESVILLE PUBLIC SCHOOLS,
Gatesville, Tex., March 4, 1968.
Senator RALPH YARBOROUGH,
Washington, D.C.:

If schools in impact areas ever needed help it is now. Unless a supplementary bill to P.L. 874 is passed the impact area funds will be reduced 20 percent for this year. Budgets have been made, and with this reduction many schools cannot overcome this shortage. This is not Federal aid as such, but we believe an obligation. The greater percent of federally connected people are not local taxpayers but impact schools are obligated to furnish buildings, the teachers, and other expenses, of their education. The tax base in many districts is not enough to justify local tax increases to take care adequately of federally connected children. We believe this is sound legislation. If Congress intends to phase out the program, a two-year notice would help us try to make local adjustments. This communication is not meant to add worries to your great responsibilities in Congress but is meant to present some facts.

Thank you for your good work in Congress and your consideration.

L. C. MCKAMIE,
Superintendent.

GLEN ROSE INDEPENDENT SCHOOL DISTRICT,
Glen Rose, Tex., February 20, 1968.
Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

We urge you to support supplemental appropriation to pay in full impacted area claims under Public Law 874 and to contact Appropriation Committee asking inclusion of such funds in present educational appropriation.

THE SCHOOL BOARD.

IOWA PARK INDEPENDENT SCHOOL DISTRICT,
Iowa Park, Tex., February 20, 1968.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Strongly urge your immediate attention in the matter of full funding of impact area funds.

FARRIS NOWELL,
Superintendent.

SCHERZ-CIBOLO-UNIVERSAL CITY, INDEPENDENT SCHOOL DISTRICT,
San Antonio, Tex., February 21, 1968.
Senator RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

Need your continued support to include appropriation for impacted area in pending legislation for supplemental appropriation. Cannot meet budget without it. We appreciate your cooperation and support.

Sincerely yours,

WILLIAM MALISH,
Superintendent of Schools.

YSLETA INDEPENDENT SCHOOL DISTRICT,
El Paso, Tex, February 20, 1968.
Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

Hope that you may be able to add supplement for impact area schools when bill reaches Senate this week. Otherwise we expect at least 20 percent loss on our 874 funds.

J. M. HANK,
Superintendent.

BIG SPRING SCHOOL DISTRICT,
Big Spring, Tex., February 29, 1968.
Senator RALPH YARBOROUGH,
Senate Building,
Washington, D.C.:

The members of the board of education of the Big Spring School District share with me a real concern that insufficient appropriation of funds for full payment of Public Law 874 funds will reduce our receipts to the extent that will have a deficit budget. As a result we understand that Senator Fulbright has introduced an amendment to H.R. 15399 urgent supplemental bill 1968 that would add 91 million for payments under Public Law 874. They have instructed me to wire you over their names urging your favorable efforts in providing this necessary supplemental appropriation.

Sincerely,

S. M. Anderson, superintendent of schools; Joe A. Moss, president; Mary Joe Cowper; Jack Alexander; Dr. Carl Marcum; Grant Boardman; Jerry Currie; Roy Watkins.

BEXAR COUNTY SCHOOL SUPERINTENDENTS,
San Antonio, Tex., March 5, 1968.
Senator RALPH W. YARBOROUGH,
Old Senate Office Building,
Washington, D.C.:

Thank you for your cooperation and tireless efforts in behalf of funds for impacted school districts. We understand that there is administrative opposition to Senator J. William Fulbright's emergency supplemental spending bill which would restore the $91 million sliced from our current entitlements under P.L. 874. All Bexar County superintendents were present at an emergency meeting this morning. They authorize me to convey their sincere appreciation for your support and urge you to keep your fellow legislators aware of the serious effect any opposition to the Fulbright amendment would have upon further maintenance and operation of school districts who have the burden of educating federally connected students.

CLYDE E. SMITH,
Chairman.

BRADFORD PTA,
Wichita Falls, Tex., March 6, 1968.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Support appropriations to fully fund P.L. 815 and 874 commitments in order that U.S. Office of Education may release funds for tentative reservations which are now being deferred. It is imperative that our school district have this commitment in order to proceed with building program. Please advise me of what action is taken on this matter.

Mrs. DONALD STAFFORD,
President.
(Representing 200 members).

ALAMO HEIGHTS SCHOOL,
San Antonio, Tex., March 6, 1968.
Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Wish to express appreciation for your support of supplementary appropriation for P.L. 874 for federally impacted schools. Will watch with interest the outcome of this legislation.

VIRGIL D. CURRIN,
Superintendent.

Mr. HILL. Mr. President, the Senator from Texas was present at the meeting of the committee when this amendment was agreed to. He was one of the strongest advocates of and one of the real leaders in the adoption of the amendment.

Mr. YARBOROUGH. I thank the Senator from Alabama. I have had the privilege of serving with him also on the full Committee on Labor and Public Welfare, as well as on the Education Subcommittee of that committee. The Senator from Alabama has given careful attention and great effort to the passage of laws to strengthen the educational system of this country.

Mr. President, I wish to focus for just a moment on one other aspect of the pending measure that I think is of utmost importance, especially to our great urban centers. I refer to the emergency supplemental appropriation for summer programs.

On February 21, 1968, I teamed with the senior Senator from New York [Mr. JAVITS] and 19 other Senators in a bipartisan effort to make $150 million available for summer programs in the ghettos and barrios of this Nation. Our bill, S. 3013, was considered by the Appropriations Committee as an amendment to H.R. 15399.

In legislation passed since 1961 under the concerned leadership of Presidents John F. Kennedy and Lyndon B. Johnson, we have worked to develop a national commitment to the poor of America. I introduced and I have fought for this supplemental appropriation because it represents a reaffirmation of that national commitment.

Americans are not blind to poverty nor are they indifferent to suffering. Americans are a compassionate people, and this appropriation is a demonstration of their concern and their willingness to extend hope to those who otherwise despair.

An indication of the need for this supplemental appropriation is the widespread support that it has attracted from the mayors of America—those dedicated men on the local scene who daily live with and attempt to cope with the problems of the poor.

In addition to considerable correspondence from other concerned citizens, several mayors have telegramed to me their support for the bill that I introduced with Senator JAVITS, and at the conclusion of my remarks I will ask that those telegrams be printed in the RECORD.

After receiving full testimony and after giving this appropriation careful consideration, the Appropriations Committee has recommended to the Senate that, in the language of the committee report accompanying H.R. 15399:

An additional $75 million it carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, is to be used for summer "Neighborhood Youth Corps type" programs.

As a member of the Appropriations Committee, I fought for the full $150 million, 25 percent of which was to fund such important and productive programs as Headstart and Job Corps. I am disappointed that the full amount was not approved, and I am especially disappointed that none of the money will be available to such proven programs as Headstart and Job Corps. Nonetheless, I am pleased that at least $75 million was recommended, and I hope that the Senate will see fit today to approve that amount.

Mr. President, I have worked hard to obtain the additional funds provided in H.R. 15399, and I endorse the spirit of that measure. I shall vote for this urgent supplemental appropriation, and I hope that all of my colleagues will do likewise. In order that my colleagues may have an indication of the support that my amendment for supplemental summer funding has received, I ask unanimous consent that the telegrams sent to me by Mayor James Tate of Philadelphia, Pa.; Mayor Richard H. Marriott of Sacramento, Calif.; Mayor Jerome P. Cavanagh of Detroit, Mich.; Mayor J. D. Braman of Seattle, Wash.; Mayor Henry W. Maier of Milwaukee, Wis.; Mayor Frank Curran of San Diego, Calif.; Mayor William J. Ensign of Toledo, Ohio; Mayor Thomas R. Byrne of St. Paul, Minn.; and Mayor Hugh J. Addonizio of Newark, N.J., be printed at this point in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

NATIONAL LEAGUE OF CITIES,
February 21, 1968.
Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.:

As president of the National League of Cities, I express the strong support of our membership for your bill, S. 301 to provide $150 million for summer and vital year-round OEO programs. These funds are essential to the operation of important summer programs in all our cities. Without this Federal help, our efforts will be seriously curtailed. The funds provided last year through your assistance were instrumental in helping employ thousands of youths and provide recreational activities for thousands more. We must have at least this $150 million again this summer.

JAMES H. J. TATE,
President, Mayor of Philadelphia.

SACRAMENTO, CALIF.,
February 23, 1968.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Bill providing $150 million for summer OEO work programs (bill S. 3013). Please be advised city of Sacramento supports said legislative action.

RICHARD H. MARRIOTT,
Mayor.

DETROIT, MICH.,
February 21, 1968.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

I have wired U.S. Senators Hart and Griffin urging them to vote for the $150 million supplemental appropriation bill for antipoverty and jobs programs.

JEROME P. CAVANAGH,
Mayor.

SEATTLE, WASH.,
February 23, 1968.
Hon. RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Just received telegram from NLC regarding your S. 3013. Please add Seattle to those endorsing this badly needed funding for summer OEO program.

Mayor J. D. BRAMAN.

MILWAUKEE, WIS.,
February 23, 1968.
Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.:

Milwaukee believes that a youth opportunity program is of great importance for its young people and our city. The Governor, the county executive and I have jointly appointed a 1968 youth opportunity board which is working to develop a summer program for Milwaukee youth. The program badly needs Federal funds as provided in S. 3013. As a mayor who is greatly concerned for youth opportunities in this city I wholeheartedly support the effort to obtain Federal funding of summer OEO programs.

HENRY W. MAIER,
Mayor.

SAN DIEGO, CALIF.,
February 23, 1968.
Senator RALPH YARBOROUGH and Senator JACOB JAVITS,
Senate Building,
Washington, D.C.

The city of San Diego strongly supports your legislation providing $150 million dollars for summer OEO program. As Mayor of the city of San Diego I am very close to problems and commend you and cosponsors with personal urging for passage.

FRANK CURRAN.

TOLEDO, OHIO,
February 23, 1968.
Senator RALPH YARBOROUGH,
Washington, D.C.

Urgently request your support for supplemental appropriation regarding summer antipoverty and job program efforts. Our city needs this help badly. Request you support efforts to attach bill S. 3013 to supplemental appropriations bill passed this week by the House.

WILLIAM J. ENSIGN,
Mayor.

ST. PAUL, MINN.,
February 23, 1968.
Senator RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

Our city summer projects need help. Strongly urge passage summer OEO programs and supplemental appropriations S. 3013.

THOMAS R. BYRNE,
Mayor.

NEWARK, N.J.,
March 8, 1968.
Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

This is to inform you of my support for your summer funds bill. I have communi-

cated with U.S. Department of Labor, the New Jersey congressional delegation, and Senator Carl Hayden, chairman of the Senate Appropriations Committee, urging their support. If this bill is not passed it will mean that our summer neighborhood youth corps will be cut from last summer's 2,200 youngsters to 1,000 this year. This would be a great tragedy for Newark as well as the other large cities in the Nation.

HUGH J. ADDONIZIO,
Mayor.

Mr. CLARK. Mr. President, I call up my amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Pennsylvania [Mr. CLARK] proposes an amendment as follows:

At the appropriate place in chapter I insert the following:

"EXECUTIVE OFFICE OF THE PRESIDENT

"OFFICE OF ECONOMIC OPPORTUNITY HEADSTART PROGRAM

"For an additional amount for expenses necessary to carry out Headstart programs provided for by law pursuant to section 222 (a)(1) of the Economic Opportunity Act of 1964, $25,000,000."

Mr. CLARK. Mr. President, this amendment is cosponsored by the Senators from New York [Mr. JAVITS and Mr. KENNEDY]. In order to bring enough Senators to the floor to obtain the yeas and nays, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, the pending amendment would add to the pending supplemental appropriation bill $25 million for the Headstart program. It would thus bring the appropriation for the Headstart program up to the amount of the President's budget request of $352 million.

As Senators know, the Headstart program is part of the Economic Opportunity Act, and the failure to appropriate the full amount requested by the President will have very serious and adverse effects on Headstart.

Until the first of this year, Headstart was operating at a program level of $352 million. However, its budget for fiscal 1968 was cut $25 million to a total of $327 million as a result of the regular appropriation for OEO and administration fund allocations to job programs. Senators will recall that the regular appropriation was not passed until very late last year, shortly before Congress adjourned.

Prior to that cut, as I have stated, the program was operating at the level included in the President's budget of $352 million.

When we knock $25 million out of the Headstart program, we do a lot more than merely make a money cut. It means that 13,000 children in the age groups of 4, 5, and 6 years old all across the country who could, and probably did in many instances, attend a Headstart program last year can no longer participate. They are to be sent back to their poverty-stricken homes with no opportunity for the training program so essential to enable them to hold up their end when they move into the first grade of public or private school. It also means that 2,500 Headstart teachers have to be dismissed from their jobs, most of them from poor families themselves. It means that countless mothers and fathers of Headstart children who were relying on the Headstart program to provide day care for their children may well have to quit their jobs and go home to take care of the little ones who will be thrown out on the street.

In some communities, the Headstart cutbacks are more severe than the $25 million cutback imposed by the committee would indicate.

In Mississippi, 6,000 to 7,000 Headstart children in what are known as the MAP and CDGM Headstart programs may no longer be able to participate.

In Atlanta, Ga., the cutback has been 25 percent of the funded program.

In New York City it is 14 percent.

Other large programs are faced with similar cutbacks.

I hope that the pending amendment, which does no more than permit the Headstart program to be funded at the same level as last year, will be agreed to by the Senate, thus preventing, to my way of thinking, the cruel injustices which this $25 million cutback will require.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. ALLOTT. Mr. President, I was in attendance at the hearings and at the markup of the pending measure last week.

We had two amendments pending. One was submitted by the Senator from West Virginia [Mr. BYRD]. Another amendment was cosponsored by the Senator from New York [Mr. JAVITS], the Senator from Massachusetts [Mr. BROOKE], I believe the Senator from Texas [Mr. YARBOROUGH], and other Senators, in the amount of $150 million.

I was under the impression, and perhaps the distinguished chairman of the committee can correct me, that in the adoption of the amendment providing for $75 million—the third amendment—there was an understanding that $25 million of the $75 million would be earmarked for Headstart. Perhaps the question should really be addressed to the chairman rather than to the Senator from Pennsylvania.

Mr. CLARK. I can make a preliminary answer, and then I would be delighted to hear from the Senator from Alabama. There is nothing in the committee report——

Mr. ALLOTT. I see there is not.

Mr. CLARK. There is nothing, so far as I know, in terms of an agreement, and the Senator from Alabama will enlighten us.

The way the bill reads, may I say to the Senator from Colorado, the entire $75 million goes to the Neighborhood Youth Corps and to the Department of Labor, whereas the Headstart program is run by the Office of Economic Opportunity.

Mr. ALLOTT. This is true, but there was some conversation there that either confused me or left me in doubt about what is actually happening. I should like to find out.

Mr. CLARK. They may not be authorized to transfer from the Labor Department to the OEO money which is appropriated to the Manpower Development and Training Act. But perhaps the Senator from Alabama may want to enlighten us.

Mr. ALLOTT. I find, may I say to the Senator from Pennsylvania, that Senator JAVITS lost this particular amendment for $25 million for Headstart by a vote of 13 to 8.

Mr. CLARK. Yes.

Mr. ALLOTT. Personally, I wish it were possible to take the $25 million out of the $75 million and put it into Headstart. I believe that much better use would be made of it there than would be made of it in the manpower training program.

I thank the Senator for yielding.

Mr. CLARK. Mr. President, unless the Senator from Alabama desires to be heard, I was going to suggest the absence of a quorum, so that my cosponsors could come to the Chamber.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to say a few words about the action of the committee with respect to one item. I wish to express my appreciation to the chairman and to the Committee on Appropriations for accepting my amendment to provide additional funds for local school districts eligible for Federal assistance under Public Law 81–874. These funds are needed by school districts all over the country, and I ask unanimous consent to have printed in the RECORD a table summarizing the amounts to which each of the States is entitled. I also ask unanimous consent to have printed in the RECORD a table showing the entitlement of each of the school districts in Arkansas which will receive benefits under my amendment.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

SUMMARY OF ALLOCATION AND ESTIMATED NEED, PUBLIC LAW 874, AS AMENDED, FISCAL YEAR 1968

State or territory	1968 appropriation	1968 entitlement	Difference
Total	$395,390,000	$486,355,000	$90,965,000
Alabama	8,955,406	10,888,075	1,932,669
Alaska	9,762,046	12,172,490	2,410,444
Arizona	6,285,722	7,837,792	1,552,070
Arkansas	1,953,560	2,435,933	482,373
California	60,978,019	76,034,711	15,056,692
Colorado	10,290,723	12,831,708	2,540,985
Connecticut	2,616,498	3,262,564	646,066
Delaware	2,350,131	2,671,001	320,870
District of Columbia	4,618,402	5,758,437	1,140,035
Florida	12,953,787	16,030,492	3,076,705
Georgia	12,330,086	14,496,199	2,166,113
Hawaii	6,857,193	8,550,371	1,693,178
Idaho	2,418,106	3,015,185	597,079
Illinois	9,983,678	12,448,848	2,465,170
Indiana	3,039,259	3,789,713	750,454
Iowa	1,787,388	2,228,730	441,342
Kansas	6,196,140	7,726,091	1,529,951
Kentucky	6,040,371	6,413,502	373,131
Louisiana	3,001,338	3,713,288	711,950
Maine	2,661,479	3,318,651	657,172
Maryland	18,746,284	23,377,258	4,630,974
Massachusetts	10,412,223	12,812,595	2,400,372
Michigan	4,981,623	6,211,685	1,230,062
Minnesota	1,706,172	2,127,460	421,288
Mississippi	2,478,037	3,089,914	611,877
Missouri	5,221,005	6,510,176	1,289,171
Montana	3,228,800	4,026,055	797,255
Nebraska	$3,802,700	$4,741,663	$938,963
Nevada	2,719,033	3,390,417	671,384
New Hampshire	1,859,828	2,319,057	459,229
New Jersey	7,904,435	9,856,198	1,951,763
New Mexico	7,912,906	9,866,761	1,953,855
New York	21,055,954	26,039,763	4,983,809
North Carolina	9,344,737	10,516,563	1,171,826
North Dakota	2,359,730	2,942,395	582,665
Ohio	9,660,120	12,045,397	2,385,277
Oklahoma	8,932,441	11,138,039	2,205,598
Oregon	1,945,923	2,419,913	473,990
Pennsylvania	7,313,773	9,018,024	1,704,251
Rhode Island	2,638,017	3,289,396	651,379
South Carolina	6,682,898	8,041,698	1,258,800
South Dakota	3,446,992	4,296,706	849,714
Tennessee	4,915,534	6,129,278	1,213,744
Texas	20,904,631	26,066,402	5,161,771
Utah	4,505,686	5,618,230	1,112,544
Vermont	122,508	152,758	30,250
Virginia	24,455,489	29,794,811	5,339,322
Washington	10,549,718	13,154,654	2,604,936
West Virginia	465,327	580,226	114,899
Wisconsin	1,669,789	2,082,093	412,304
Wyoming	1,304,017	1,626,005	321,988
Guam	1,307,307	1,630,107	322,800
Puerto Rico	5,429,002	5,465,710	36,708
Virgin Islands	104,419	130,202	25,783
Wake Island	223,610	223,610	

Name of school district	1967–68 entitlement	50 percent (1st payment)	30 percent (final payment)	Balance of entitlement (not to be funded)
Arkadelphia	$23,659	$11,829	$7,097	$4,733
Altus Denning [1]	3,096	1,548	928	620
Ashdown	3,890	1,945	1,167	778
Beebe	6,138	3,069	1,841	1,228
Bismarck	9,847	4,923	2,954	1,970
Blytheville [1]	65,745	32,872	19,723	13,150
Cabot	34,786	17,393	10,435	6,958
Charleston	4,348	2,174	1,304	870
Coal Hill	3,325	1,662	997	666
Conway	23,659	11,829	7,097	4,733
County Line [2]	2,557	1,278	767	512
Dardanelle	5,627	2,813	1,688	1,126
De Queen	6,522	2,261	1,956	1,305
De Witt [1]	13,295	6,647	3,988	2,660
Dollarway	54,353	27,176	16,305	10,872
Dover [1]	3,454	1,727	1,036	691
Dumas	3,069	1,534	920	615
Fayetteville [1]	23,225	11,612	6,967	4,646
Fort Smith	88,244	44,122	26,473	17,649
Fouke	12,533	6,266	3,759	2,508
Gillett	3,454	1,727	1,036	691
Gillham [2]	2,059	1,029	617	413
Gosnell	284,427	142,213	85,328	56,886
Greenbrier	3,708	1,854	1,112	742
Greenwood [1]	27,422	13,711	8,226	5,485
Hartford [2]	1,534	767	460	307
Heber Springs	5,359	2,679	1,607	1,073
Horatio [2]	2,941	1,470	882	589
Jefferson County [2]	$1,790	$895	$573	$322
Lake Hamilton [2]	3,378	1,689	1,013	676
Lavaca	3,197	1,598	959	640
Little Rock	220,701	110,350	66,210	44,141
Lockesburg	4,604	2,302	1,381	921
Mansfield	5,115	2,557	1,534	1,024
Mineral Springs	4,092	2,046	1,227	819
Morrilton [2]	14,067	7,033	4,220	2,814
Murfreesboro	4,731	2,365	1,419	947
North Little Rock	167,024	83,512	50,107	33,405
Ozark [2]	16,625	8,312	4,987	3,326
Paris [2]	4,732	2,366	1,419	947
Pine Bluff	122,007	61,003	36,602	24,402
Plum Bayou Tucker	4,604	2,302	1,381	921
Pulaski County Special	905,461	452,730	271,638	181,093
Quitman	2,557	1,278	767	512
Rison	5,371	2,685	1,611	1,075
Russellville [2]	23,831	11,915	7,149	4,767
Saratoga	11,076	5,538	3,322	2,216
Sheridan	10,614	5,307	3,184	2,123
Texarkana [2]	201,548	100,774	60,464	40,310
Van Buren	12,789	6,394	3,836	2,559
Vilonia	5,499	2,749	1,649	1,101
Watson Chapel	42,715	21,357	12,814	8,544
White Hall	43,994	21,997	13,198	8,799
Woodlawn [2]	1,534	767	460	307
Total	2,565,932	1,282,951	769,794	513,187

[1] Estimate based upon 1966–67 application (1967–68 application has not been received).

[2] Estimate based upon 1967–68 application.

Mr. FULBRIGHT. Mr. President, I believe this is about as near as one can get to a real commitment on the part of the Federal Government. These impacted school districts have arisen as a result of the activities of the Federal Government in the various States, especially where large defense installations have been created; also where the Federal Government has taken land off the tax books, and so forth, which has created great difficulties for school districts.

I point out that my State is one of the smallest beneficiaries; nevertheless, the amount is very important. Under this bill, Arkansas would only get $482,373, but this is very important to the State, because these school districts, relying upon the contributions which have been made to them for several years, have made their plans. Based upon that, they have taken care of the children as circumstances have arisen, particularly in the case of the Federal installations.

I believe it is most disastrous to the school districts to cut off this amount in the middle of the year, even though in the case of the State of Arkansas the smallest amount is involved. In some States the amount is much larger. The State of Alaska, for example, has $2,400,000, and in the case of California, it runs up to $15 million, which I believe is the largest amount.

As I have stated, I regret this action. With respect to my State, the amount is one of the smallest, but that does not mean it is not important. Because the school districts are in such difficult and straitened circumstances, I believe the committee was entirely right, and I hope the Senate will accept the committee's recommendation. I believe that practically every State has some of these funds. The total is $90 million.

I do hope that the Members of the Senate will support the committee in this case. I must say that when we see the enormous amounts being spent on the war and on various other activities, it is a great reflection upon our country to take this small amount away from the schools, which are primarily elementary and secondary schools. As a matter of fact, most of it, I believe, applies to elementary schools. I have not made that breakdown.

If we are going to cut down on that type of activity, there really is not much hope for the future of this country, in my opinion. I believe it would be terrible to disrupt these schools, because of this small amount of money, in the middle of their school year.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BARTLETT. Mr. President, I fully endorse everything the Senator from Arkansas has said. I wish to applaud him for introducing the amendment restoring this amount, which was adopted unanimously as I recall.

The effects would have been disastrous perhaps by way of a cutback to some of the States involved, in any event, but the injury was compounded by the fact that they had made all of their plans for the 1967–68 school year predicated upon full entitlement. These plans were necessarily made before the school year started.

As I recall, it was not until December that they were informed that these very serious slashes were to be put into effect and for the local communities and school districts there was simply no way out.

They had no other source of financing

at that time. Whether they would have had other sources if they had been advised in July I cannot say because this has been a bargain, as it were, for a good many years between the Federal Government and the State government, that when Federal impact was experienced in a given school area the Federal Government would make certain payments in lieu of taxes to take the load from the local people.

Some of the States, as the Senator from Arkansas has observed, are being hit very heavily. The Senator was correct when he said that Alaska was one of those States. The full entitlement for Alaska would have been $12,172,000. As the matter was concluded, after the Committee on Appropriations worked it out and after House Joint Resolution 888 had been approved, the amount was $9,962,000, obviously too great a difference to arrange for financing in the middle of the year. I join the Senator from Arkansas in expressing the very strong hope that not only will the Senate approve the action of the Committee on Appropriations, but also that the full sum granted by the Committee on Appropriations, following the amendment introduced by the Senator from Arkansas, will be allowed by the conferees, and subsequently by the two Houses, because, in my judgment, it would be an act of bad faith and no less to do otherwise.

Mr. FULBRIGHT. I thank the Senator. It is not only an act of bad faith, but it also is very unnecessary in any case, because this is one of the most important and valuable activities we can sponsor in this country.

I appreciate the statement of the Senator.

Mr. DOMINICK. Mr. President, will the Senator yield for a brief comment and a question?

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Arkansas for pushing this along.

In our area we found ourselves in substantial trouble in a number of districts which have become highly impacted because of the buildup for the war. They were not in a position to handle the situation by increased property taxes, and the Federal installations were so big they did not have the base to support the school.

I think this is an excellent idea and I am happy to go along with it.

There is one question I wish to ask. It may be that the Senator from Arkansas is not the person to whom I should address the question, and that perhaps the Senator from Alabama would be the one to answer.

I wish to ask about the Clark amendment in connection with the Headstart program.

Mr. FULBRIGHT. I do not know about that.

Mr. DOMINICK. Mr. President, will the Senator yield, so that I may ask a question or two about that matter?

Mr. FULBRIGHT. I yield for that purpose.

Mr. HILL. That does not go to this problem at all. That is a separate proposition.

Mr. DOMINICK. It is my understanding that the Senator from Pennsylvania was going to offer an amendment for $25 million for Headstart.

Mr. HILL. He has offered it.

Mr. DOMINICK. Is it not true that Headstart is funded for this summer, and that the cutoff date is going to be this fall for winter programs as opposed to this summer?

I am sorry to have interrupted in this way, but I wanted to get that information.

Mr. HILL. For this summer. There is $99 million already funded and appropriated for the Headstart program for this summer.

Mr. DOMINICK. I thank the Senator.

Mr. JAVITS. Mr. President, will the Senator yield to me? I think I can enlighten the Senator on that question.

Mr. FULBRIGHT. I would conclude my remarks, if Senators desire to discuss another matter.

I hope every Senator will take the trouble to look at what is involved in this amendment that the Senator from Colorado and I were talking about. New York, of course, participates, and all States participate. I think it would be most unfortunate if the Senate did not support the committee on this matter.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. YARBOROUGH. Mr. President, I wish to commend the distinguished Senator from Arkansas for the leadership that he has provided on this impacted education money. He introduced this amendment in the Senate, and under it this money has been added to the supplemental appropriation bill by the unanimous vote of the Committee on Appropriations.

As has already been stated on the floor of the Senate today there was a cut in the entitlement after it had already been written into law. This was a cut of 18.8 percent, which affected school districts next to military bases all over the country. Because of our expanding Vietnam buildup, these school districts have had a steadily increasing enrollment of federally connected children. By making this cut of 18.8 percent, we are cutting down on the education of the children of the men sent overseas.

This is one of the most worthy amendments I have seen in a long time. The Senator from Arkansas has added to his great career in the Senate as a proponent of education. Through the great program of Fulbright scholarships, which is known all over the world, the distinguished Senator from Arkansas has firmly established himself as an education Senator.

Mr. President, this is another contribution by the Senator from Arkansas, and I am pleased to support his proposal.

Mr. FULBRIGHT. I thank the Senator deeply.

I yield the floor.

Mr. CURTIS. Mr. President, I rise to call attention to the usurpation of power by the administration that belongs solely in the Congress. I refer, Mr. President, to the power to tax.

Article I, section 1, of the Constitution, says:

> All legislative powers herein granted shall be vested in the Congress of the United States.

Mr. President, it does not say that some of the legislative power shall be vested in the Congress—it says all. The separation of powers is perhaps more important in the field of taxation and spending than in any area of government. Free government is at stake.

If the executive has authority to impose taxes, it will extend that authority to raise existing taxes, reduce taxes, or repeal taxes. It is elementary that the power to tax belongs in the Congress.

Mr. President, I find it hard to believe that in two instances the executive branch has either already usurped or is about to usurp the power to tax.

It is proposed that tax-free revenue bonds issued by States and their subdivisions for industrial expansion become taxable not by law enacted by Congress, but by edict of the Treasury Department. Nothing could be more preposterous, outrageous, and brazen. Nothing could so lack in a respect for law. Mr. President, at a time when street mobs take the law into their own hands and at a time when the law is flouted in so many places and at a time when a few members of honored professions take the law in their own hands by asserting the doctrine that they can pick and choose what laws they shall obey, it is time for the Government of the United States to set an example and proceed according to the law and the Constitution.

The question is not, "Shall these tax-free revenue bonds become taxable?" Wise and good men disagree on that question. The matter should be heard by the appropriate committees of Congress. Everyone should have his say and the decision should be made by the Congress in accord with the Constitution.

I regard Mr. Henry Fowler as an honest man and a man of integrity. I appeal to him to rescind this proposed action. I appeal to him to take a stand in support of the Constitution, which we have all sworn to uphold, and not force interested parties into expensive litigation to declare such actions null and void in our courts.

The second usurpation of the power to tax that I refer to relates to the decision of some months ago to tax publications of such nonprofit organizations as the Boy Scouts, trade journals like the American Medical Association Journal, and other similar periodicals because they carry advertising. I plead not for a tax-exempt status for these publications because the publications serve a public purpose, although that is very true. I say, if they are to be taxed, let it be done in the constitutional way. Again I remind the Senate that the Constitution declares that all legislative powers are vested in the Congress.

It is my understanding that the imposition of taxes on these publications is based upon a statute passed in 1950. Such reasoning is false. The most reliable evidence and the best evidence of the intent of Congress is the contemporary interpretation. The 1950 act was not so interpreted when it was passed, or in the years that followed. In 1954, the Congress reenacted the same statute as a part of the 1954 Code. No one could argue that in 1954 the Congress did not intend to reenact this particular statute as it was then interpreted. The inter-

pretation at that time was that these periodicals of the type to which I have referred were not taxable. In the light of the 1954 Code there is no doubt about the intent of Congress.

For the Treasury Department to come in 16, 17, or 18 years later is not only faulty interpretation of the law, but it is exercising the power to legislate. If there had been no 1954 Code enacted, the Treasury would, in its present attempts, be in error from the standpoint of interpretation. The contemporary interpretation at the time of enactment of the 1950 law had the benefit of what was fresh in the minds of legislators, staff people, committees, and the Treasury itself. If the Treasury is right in its recent action in imposing taxes upon these publications, it has either assumed the power to legislate or it is guilty of laxness for not collecting the tax immediately upon enactment of the 1950 statute. The reenactment of the section in question in the 1954 Code, however, removes all doubt. No reasonable interpretation could be suggested other than that in 1954 Congress intended to reenact the 1950 statute as it was then interpreted. This amounted to congressional action providing that these periodicals in question were not to be taxed. Any action on the part of the Treasury is legislative and should be rescinded or declared null and void by the courts.

Mr. President, I appeal to the Treasury Department to abandon its efforts to legislate in these two instances, and if the Treasury Department declines to do so, then I urge the Congress to act and act swiftly. Our Constitution should not be flouted.

Mr. President, I yield the floor.

Mr. JAVITS. The pending amendment was raised in committee and was voted on there, and voted down. There were two items before the committee, which dealt with the general area of problems in the cities. One item was the amendment offered by the Senator from Texas [Mr. YARBOROUGH] and myself which, with the very kind intercession of the Senator from West Virginia [Mr. BYRD] who took on the laboring oar in the committee, we worked out for summer jobs. Certainly, it seems to me that the $75 million was as much a bull's eye in this problem as one could find. It is the same figure we had last year, and which did so much in many cities including many of the cities of New York State. In my view it was the principal factor which gave us a reasonable chance of preserving order, and holding down the forces of civil disobedience, disruption, and riot.

When we see the rates of unemployment and underemployment in ghetto areas, we realize how critically important is this amount of money, although in relation to the budget it is not large. This is a very sharp arrow pointed at a very special target.

Now, Mr. President, the Headstart program is also very deserving and I shall describe why in a moment, because I handled it in committee and went into it very thoroughly.

The difficulty was—and I explained this to my colleagues—it was my feeling that $75 million was just about what the committee would do in this general area. I also was very much helped by the Senator from West Virginia [Mr. BYRD], and we felt that the general feeling was that the highest priority was the summer job program.

Thus, most reluctantly, I had to be content with that. I think that the committee acted very sensibly and very much in the public interest in allowing it.

I can understand my colleague making this motion. I agree with him and I shall support him as, indeed, I have joined him in proposing it. I believe it is fully within the wisdom of the Senate to grant the $25 million. I urge the Senate very much—notwithstanding what I have just recited about the history of the committee—to grant it. I think it is extremely important and extremely worthwhile and will pay an enormous dividend for a relatively small sum of money.

Let me say, in all fairness, that I argued this very strongly before the Appropriations Committee, that Headstart was an integral part also of the bill which the Senator from Texas [Mr. YARBOROUGH] and I had originally introduced.

Headstart represents, in addition to summer jobs, a very critical contribution to the tranquillity of a community, to the effort to deal with problems which become simply beyond toleration in the summer. I have said that in this Chamber many times. I repeat because I know. That is the way I lived once, when I was a child, at exactly that age.

Now as to the actual facts: The annualized cost of Headstart is $352 million. This was the President's request. The appropriation we made was $327 million, a difference of $25 million. The $25 million reduction cut 13,000 slots out of Headstart, plus 2,500 subprofessional workers—that is, the poor themselves who are actually employed in Headstart, the 2,500 persons being in the poverty category.

Also, Headstart allows quite a few parents to obtain jobs since it provides day care for their children. The number of thousands involved in that we really do not know, but they are considerable. But we do know the deprivation of the 13,000 slots and the cutback of the subprofessional workers.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. YARBOROUGH. Mr. President, it was my privilege to cosponsor with the distinguished Senator from New York this amendment, which was offered before the whole committee. It would have provided $150 million, 25 percent of which would have gone to such ongoing programs as Headstart. I am disappointed that the Appropriation Committee saw fit to exclude Headstart from this supplemental.

I am interested in this matter. We have worked together on it and on all the facets of the antipoverty program. The Headstart program is one about which there has not been a complaint in my State, with many manifestations of congratulations about it. It was put in the original antipoverty bill because of the diligent work of Dr. Silver, of the University of Texas, who has since been promoted to the office of dean of the school of arts and sciences of the University of Texas. A good deal of work had been done over the years on this matter at the University of Texas, at Rutgers, at Illinois, and other universities. They asked for an appointment with Sargent Shriver to speak on the program. They had an allocation of 30 minutes. They were there for 2 hours discussing the matter. The result was that the Headstart program was put in the original antipoverty bill. It has worked extremely well, according to all the reports on it.

I appreciate what the Senator from New York and the Senator from Pennsylvania [Mr. CLARK] are doing, and I associate myself with their endorsement of this vital program.

Mr. JAVITS. I thank the Senator, and I thank him for working with me.

The Senator has said something about Headstart which I would like to talk about, as to its desirability. Senator CLARK, author of this program, is chairman of our subcommittee. In the main committee I am the ranking minority member. Senator PROUTY is the ranking minority member on the subcommittee. I think they will bear me out that in all our negotiations with the other body with respect to the antipoverty program, Headstart has been the favorite of all the favorites. There has not been a word of dissent as to its usefulness and desirability. Indeed, one of the struggles which Senator HILL and I went through on the appropriation part of the matter was in avoiding earmarking funds for Headstart. We had that problem in the authorization stage, too. There is such a strong feeling for the program that I think there is every desire—and indeed Senator PROUTY has been one of the champions of the cause—to earmark the funds so that they may be spent for no other purpose. Therefore, it is certainly a program that commends itself on the highest level.

There can be only one conceivable reason for the cut which has been made, and that is the economy proposition. But the leverage which is involved is so great and the critical nature of the problem with which we are trying to deal so affect the tranquillity and public order that I feel justified, no matter what may be the economy considerations, in urging the Senate to approve the modest restoration of $25 million for the 13,000 slots involved.

The Senate can see at a glance the enormous leverage involved. Let me give the Senate an idea as to what the cuts mean in the way of contraction of these activities in critical areas.

We are advised, starting with California—and I see Senator MURPHY on the floor—that in Los Angeles, Calif., the cut will be 12.3 percent.

In St. Louis it will be 10 percent.

In Oklahoma it is estimated to be 20 percent.

In Chicago, 8 percent.

In Detroit, 5 percent.

In the State of Mississippi there is a very high figure of 25 percent, because the program relative to the population is very concentrated in the State of Mississippi.

In Atlanta, Ga., it is estimated to be as high as 25 percent.

In my own city of New York City there is expected to be a 14-percent cut for every program with more than 30 children.

These cuts may not be exact, to the exact decimal point, because they are estimated; and these matters tend to have a certain ebb and flow in the Office of Economic Opportunity. But this is where the ax will fall, where we should be least willing to have it fall, considering the desirability of the program, its unquestioned excellence, the amounts involved as compared with the number of activities to be cut out—in other words, the 13,000 places as compared with $25 million expenditure, the employment of 2,500 poor themselves in this extremely desirable activity, the fact that it is estimated that much less than half of all the children who ought to be served by Headstart will not be served by it.

It seems to me when we are looking ahead to a summer, for which we are trying to make timely provision, we ought to take up the slack represented by the unappropriated amount of $25 million.

Lastly, I would like to answer the question asked by the Senator from Colorado [Mr. DOMINICK], although he is not in the Chamber at the moment. He asked the question whether the impact of an increase in Headstart would not come this fall, and whether the fact that it is funded for the summer the same as last year enters into it.

What has happened is that OEO has shifted Headstart money to the summer, and thereby maintains the same number of slots for the summer, but the money is to be taken out of the year-round program, and the year-round program will suffer. The fiscal year ends June 30, but that terminal date is only for new obligations. The actual expenditures for this new money will take place during fiscal years 1968 and 1969. If we give the added $25 million, it will be for the year-round program and will add 13,000 slots effective in fiscal year 1968—notwithstanding the fact that some of the expenditures will come after the close of the fiscal year.

That is the answer to the question of the Senator from Colorado [Mr. DOMINICK] with respect to the effect of this situation as it affects the termination of the fiscal year on June 30.

So I feel this amendment is eminently deserved. The Senator from Texas [Mr. YARBOROUGH] and I made a very strong plea to the Appropriations Committee. We failed. The only reason I myself did not present the amendment—and I am very pleased the Senator from Pennsylvania has and I congratulate him for presenting it—is that I have had my day in appearing before the Appropriations Committee on the job program. The Senate has the power and the right to do what it deems wise and appropriate, and I think the Senate would be most wise in this respect in doing what the committee, unhappily, would not do.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. I thank the Senator for his support of this amendment, and am happy that he decided to join in cosponsoring it.

Am I not correct in that the Senator did propose this amendment in the Committee on Appropriations, and it was defeated by the relatively close vote of 13 to 8?

Mr. JAVITS. That is exactly right, and I have explained, Mr. President, the reason why the thing occurred in the committee as it did, and my role in the matter.

I thank the Senator again for proposing the amendment.

Mr. HILL. Mr. President, the committee did agree to an amendment offered by the distinguished Senator from West Virginia [Mr. BYRD] which added $75 million to the bill for manpower and training activities, to be used for Neighborhood Youth Corps projects. This $75 million is now in the bill for Neighborhood Youth Corps projects this summer.

I might say that there has been appropriated for this fiscal year, 1968—up to July 1 of this year—$99 million for the Headstart program. The committee considered the amendment, as the Senator from New York has stated, to add the additional money, and voted it down by a vote of 13 to 8.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. JAVITS. I would just like to thank again the Senator from West Virginia [Mr. BYRD] for his role in bringing about the adoption of the amendment which was adopted, and to point out that the procedure was that Senator YARBOROUGH and I presented our original amendment for $150 million; Senator BYRD presented the $75 million figure, and we substituted ours. Ours failed, and then we supported his as the best resolution of the problem before the Appropriations Committee.

Mr. HILL. That is right. But there is now $75 million in the bill, as provided in the amendment offered by the Senator from West Virginia [Mr. BYRD] for the manpower development and training activities, to be used for Neighborhood Youth Corps projects.

Mr. JAVITS. For summer jobs.

Mr. HILL. That is right. There is also, I point out, for fiscal year 1968, from now until June 1, $99 million for Headstart projects.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. JAVITS. I think it is fair to say that the Senate has complete discretion in this matter, because what is to be done by the $75 million and what is to be done by the $25 million are very different. Both are a major contribution, in my honest judgment, to what we will face this summer. I felt very strongly about the jobs and about Headstart. The committee agreed with us on the jobs and did not agree with us on Headstart; but I think it is very important to emphasize to the Senate that, in my own judgment—and I think I am a pretty well-informed witness in this matter—these are both extremely important and extremely desirable, and that the Senate, in my judgment, should really feel perfectly free to make its contribution to the effort to alleviate the problems we face, and that this would be a major contribution.

Mr. HILL. As the Senator knows, we had no budget estimate, and we had no House action whatever for the Headstart program. There was nothing in the bill when it came to the Senate. There was no budget estimate, and no action by the House of Representatives.

Furthermore, the bill is now, with this manpower development amendment and with the other amendments, including particularly the amendment for impacted area school funds, $164,425,000 above the budget.

I think the committee acted with wisdom in not going above a $165 million figure. I believe the amendment of the Senator from Pennsylvania should be defeated, in line with the thinking and action of the committee.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. Will the Senator yield?

Mr. HILL. I shall be happy to yield to the Senator from Pennsylvania in a moment. I yield to the Senator from New York.

Mr. CLARK. I would like to finish, if I may, if the Senator will yield briefly to me.

The Senator mentioned some $99 million being squeezed out for the appropriation for summer Headstart programs; but that has nothing to do with the pending amendment. This amendment is to restore the year-around Headstart program, which has been cut back by $25 million. So the $99 million for the summer Headstart program is just fine, but it is not going to keep these children from being thrown out of their classes and kindergartens. The reduction means that 13,000 youngsters will not be taught, and 2,500 teachers will not be employed. This is cutting back at a time when we cannot afford to do it, in my judgment.

Mr. HILL. We have not cut back. We have added $165 million above the budget estimates and the House action.

Mr. CLARK. If the Senator will yield for a moment further, I beg to differ with him, because we have cut back on the overall Headstart program from $352 million to $327 million and all that $25 million will have to come out of the full-year programs. That is what my amendment seeks to restore.

Mr. HILL. That has nothing to do with this bill.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ALLOTT. I hope I can straighten something out. I do not know where the Senator got his figures, but I have just been talking with a member of the staff, and he informs me that the amount appropriated in 1967 was $349 million. The amount appropriated for 1968 for Headstart was $340 million. The amount in the 1969 budget was $380 million. The 1968 budget, as it now stands, is $9 million, as the staff gives the appropriation to me, under the 1967 appropriation bill, not $25 million.

Mr. CLARK. If the Senator will yield, $13 million of the $240 million figure just recited is for a followthrough program, which is not for the Headstart

appropriation at all, but for a program which succeeds Headstart, after the youngsters get to school.

It is very clear that what has been done is to cut the Headstart program from $352 to $327 million, which will throw all these full-year program youngsters out on the street.

Mr. ALLOTT. Mr. President, I know the Senator has got his figures from the best possible sources, but they do not jibe with the figures I have received from the staff. I thank the Senator for yielding.

Mr. CLARK. We got our figures from the staff of the Committee on Appropriations.

Mr. ALLOTT. That is where I got mine, too.

Mr. CLARK. Maybe the boys should get together.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. KENNEDY of New York. I rise in support of the amendment of the Senator from Pennsylvania.

There is no program, it seems to me, that has received more widespread support, among the various poverty programs, than the Headstart program. In all of the studies and investigations that we have made, and that other committees have been made, less criticism has been made of the Headstart program than of any other program. And it means a major difference as far as thousands of children in the country are concerned.

Certain studies made of the effectiveness of Headstart have indicated that without it, the children it serves would fall behind in school and would never catch up again. They would be a year behind at the time they get to the third grade and 2 years behind at the time they get to the sixth grade.

The way to try to offset that disadvantage for our children is through the Headstart program. You start them in an educational training program at 3 or 4 or 5 years of age. To cut back on this program at this critical and crucial time seems to me a terrible, terrible mistake. Not to be able to continue the program even as it is at the moment is a terrible mistake—to have these children anticipating the fact that they could go to a Headstart program, and their parents anticipating they were going to be able to participate in it, and then have the parents and the community informed they are no longer able to participate, and are to be thrown out in the street.

The testimony before our committee and before Senator RIBICOFF's committee was that the Headstart program could in fact spend $300 million more than was being appropriated at that time, which meant double the amount of money. Instead of doubling the amount of money, we have cut back the amount of money that is available for this program.

We have talked about the war in Vietnam and about the fact that we need to appropriate some $30 billion for that effort in order to save people's lives. It seems to me that the lives of young children in the United States are equally important, equally vital, and equally essential. And if we are not going to appropriate the amount of money which will save the lives, in the last analysis, of these thousands of children, it seems to me that we will be making a terrible mistake.

If this amount of money is appropriated, these children can go and receive a decent education. They can go through high school, and possibly through college, and then find jobs and raise their families and stay off relief.

We will find otherwise that these individuals will get further behind in school. I do not think that we can afford to have that happen. We should have learned something from the disturbances of last summer.

The committee headed by the distinguished Senator from Pennsylvania [Mr. CLARK], the committee headed by the distinguished Senator from Alabama [Mr. HILL], and the committee headed by the Senator from Connecticut [Mr. RIBICOFF], and the Riot Commission have established quite clearly what is needed. And nothing is more necessary than an education.

In the year 1968, to look at all that has happened and all of the studies that have been made and then propose to cut back the appropriations for programs like this one, I think is almost insane.

I hope that the Senate will agree to the amendment of the Senator from Pennsylvania.

Mr. MAGNUSON. Mr. President, I made a tour of the city of Seattle last November in order to investigate this program.

The fine teachers working in this program—and a lot of them are volunteers—say that they are only able to take care of the minimum number of eligible youngsters in the program. They point out that they were able to take care of approximately half of the eligible children in the present program.

Mr. KENNEDY of New York. The Senator is correct. We should be expanding the program.

Mr. MAGNUSON. These teachers told me that an equal number of children should also be included in the program, but that the program was not able to take care of those other children.

Mr. KENNEDY of New York. We are cutting back on the program rather than expanding it. We appropriate in a few short hours $70 billion in military appropriations. However, we are talking about $25 million here, money which will save as many lives as anything that we do in Vietnam. This is a modest amount, and I hope the Senate will approve it.

Mr. HOLLAND. Mr. President, I think that the Senators who have spoken have very short memories. I remember that last fall we were all working together to try to cut down the 1968 budget. The 1968 budget will all be expended or not expended when we get to the end of this June. We are now in March. We are talking about an appropriation of an additional $25 million of supplemental funds for the 1968 budget. That is what we are talking about.

The Senator from Alabama—and there is no Senator who is more sympathetic with the needs of children in this country than is he—has already made it very clear that in our appropriations of last fall we set aside $99 million for the Headstart program for fiscal year 1968.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. Not right now. Please let me finish, then I will yield to the Senator from Pennsylvania.

No cut was made in this program in House Joint Resolution 888. It was left undisturbed. That cannot be said of most appropriation items.

I thought we were trying to cooperate with the administration in holding the 1968 appropriations and expenditures strictly in line. We had cut the appropriation bills by our joint efforts on both sides of the aisle by $5.8 billion.

We then passed House Joint Resolution 888, which reduced the expenditures for the year 1968 by additional funds amounting, as I recall now, with the cuts already in the appropriation bill, to something over $9 billion.

Notwithstanding the fact that we did this, and notwithstanding the fact that the administration is trying to stand up to that action which it had endorsed when the action was taken, we propose here for the fiscal year 1968 to add $25 million when we have already provided $99 million in the funds appropriated last year for Headstart.

Mr. CLARK. Mr. President, will the Senator yield at that point? That is the second time the Senator has made an erroneous statement.

Mr. HOLLAND. I will complete my statement first.

We have a request for 1969 for $380 million for the Headstart program. We are going to be considering that request very shortly. And when we appropriate that money, it will of course be available for the period after July 1 of this year.

I do not see the point in our going back on what we did so very deliberately in trying to cooperate with the administration and the country in the reduction of appropriations and expenditures for fiscal 1968 by adding this sum now to an activity which is certainly well provided for until the end of this fiscal year.

I now yield gladly to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, point one to my friend, the Senator from Florida: The $99 million has nothing whatever to do with the pending amendment. That is for the summer Headstart program, which is entirely different from the year-round Headstart program.

We are now talking about the year-round program.

We had asked for $352 million with which to complete the entire Headstart program in 1968 at the 1967 level.

The action by the last year Appropriations Committee cuts $25 million out of the President's request and throws 13,000 children, some of them from the State of Florida, and 2,500 teachers, some of them also from the State of Florida, out on the street.

Mr. HOLLAND. If the Senator's point is correct, then he is asking us for $25 million additional funds for this particular program to be spent between now and June 30. I am sure that he does not mean that, because that is not the burden of what we are trying to do here.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, I yield to the distinguished Senator from North Dakota who is a most able member of our committee.

Mr. YOUNG of North Dakota. Mr. President, if the Senator from Florida is correct, $99 million was appropriated for the summer Headstart program. It is now proposed to appropriate an additional $25 million for summer Headstart.

Mr. CLARK. That statement is not correct.

Mr. YOUNG of North Dakota. I was very sympathetic with this program. There is a limit, however, to how far we can go.

As the Senator from Florida has pointed out, the House and the Senate agreed last year to cut some $4.6 billion in additional expenditures. This program was not affected. The President and the Bureau of the Budget have not asked for any additional funds over and above the amount already provided.

I went along with that. I think that if we have a vote on the floor on this measure and lose that vote, we will probably lose all of the increase.

I understand that we will have a vote later to recommit the bill and cut out all of the Senate increases.

I, for one, will vote against recommittal. However, I very much would like to point out that this is an increase that the President has not asked for, and the Senate was very lenient in this matter.

Mr. CLARK. Mr. President, the Senator, although acting in good faith, is mistaken. This is not $25 million for the summer Headstart program. They have been funded at the rate of $99 million. This $25 million is for the year-round program. The amount had been cut back from the $352 million which the President requested to $327 million.

When we passed the final appropriations at the very end of last year, they had to cut back the program from $352 million to $327 million, and that action threw these 13,000 children and 2,500 teachers out on the street.

Mr. YOUNG of North Dakota. The Senator must get his information from a different source than we on the Appropriations Committee do. We have good staff members and rely on them to supply good information, and I think they have.

Mr. CLARK. Mr. President, every bit of the information that I and the Senator from New York [Mr. JAVITS] have furnished on the floor has come from the staff of the Appropriations Committee and the administration. What we say is accurate.

Mr. HOLLAND. Mr. President, no doubt the Senator from Pennsylvania has gone to the staff members. No doubt the Senator has interpreted what the staff members have told him as he thinks that information should be interpreted.

I have stated what the facts are. I went through some weeks of heavy negotiations on the part of our committee so ably headed by the Senator from Arizona [Mr. HAYDEN], with a similar conference committee from the House.

I know the pains and aches we went through in trying to get a pattern for the reduction of both appropriations and expenditures in 1968. I am just saying that we did not penalize this program for Headstart; and now this program, not penalized, comes along and tries to upset the balance of the fine work—and I believe it was fine work—done by Congress in seeking to reduce, and in actually reducing, both appropriations and expenditures for 1968.

I just do not want to see this appropriation added to the supplemental bill for fiscal 1968, ending June 30—3 months from now—without it being understood that the program is financed, that we are going to have the summer Headstart program. If it is not big enough at $99 million, which is the amount that has been given to it already, we can add to it when we consider the annual appropriation bill, which we will be hearing in the course of 2 or 3 weeks.

Mr. President, there is not any other fact with reference to the situation that differs from that, because the Senator from North Dakota knows that is the case, and the Senator from Arizona, who went through the series of negotiations, knows it is the case.

We all know that the Headstart program is the most popular part of the OEO program. The Senator from Florida made that statement in the Appropriations Committee when we considered this item. It was freely admitted by other members of the Appropriations Committee. Yet, we felt that we should not go back upon and abandon the course we entered upon solemnly and deliberately and gave out to the Nation as evidence of the fact that Congress wanted to go along, seriously and deliberately, in cutting down appropriations and expenditures for 1968. I do not believe we should add this sum to the supplemental bill, as a supplemental 1968 item, when it is not needed.

Mr. RANDOLPH. Mr. President, I support the amendment of the distinguished Senator from Pennsylvania [Mr. CLARK] to add $25 million to the Headstart program for fiscal year 1968. As the Senator has explained, this action will bring the total appropriation to the original budget request level of $352 million.

This broad-gaged child development program has gained widespread backing from all sections of our Nation. From West Virginia I receive communications from local officials, parents, educators, and interested citizens, who have seen the successes and the benefits of this program. Over 12,000 children in our State participated in Headstart during fiscal year 1967.

The Headstart program is designed to better prepare disadvantaged children for school through a wide range of services, including the areas of health, nutrition, education, social development, and parental participation. Nationally, more than 700,000 children were enrolled in the summer and full-year Headstart programs during fiscal 1967. It is my belief that the reactions and comment from local officials, educators, and private citizens and the evalutions performed by professional organizations, evidence the outstanding accomplishments of the Headstart program.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Connecticut [Mr. RIBICOFF], who had to leave to keep an engagement. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

I announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I also announce that the Senator from Oklahoma [Mr. HARRIS] is absent because of an illness in his family.

I further announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], and the Senator from Ohio [Mr. LAUSCHE] are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from Rhode Island [Mr. PASTORE], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Maine [Mr. MUSKIE], and the Senator from Arkansas [Mr. FULBRIGHT] would each vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from South Carolina [Mr. THURMOND]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from California [Mr. KUCHEL], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from South Carolina [Mr. THURMOND] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from South Carolina would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from California would vote "yea," and the Senator from Texas would vote "nay."

The yeas and nays resulted—yeas 42, nays 42, as follows:

[No. 51 Leg.]

YEAS—42

Aiken	Hatfield	Moss
Bayh	Hollings	Murphy
Brewster	Inouye	Nelson
Brooke	Jackson	Pell
Burdick	Javits	Percy
Cannon	Kennedy, Mass.	Prouty
Case	Kennedy, N.Y.	Randolph
Clark	Magnuson	Scott
Cooper	Mansfield	Spong
Dodd	McGee	Symington
Griffin	McGovern	Tydings
Gruening	Mondale	Williams, N.J.
Hart	Montoya	Yarborough
Hartke	Morton	Young, Ohio

NAYS—42

Allott	Eastland	Long, La.
Anderson	Ellender	McClellan
Baker	Ervin	Miller
Bartlett	Fannin	Monroney
Bennett	Fong	Mundt
Bible	Hansen	Pearson
Boggs	Hayden	Proxmire
Byrd, Va.	Hickenlooper	Russell
Carlson	Hill	Smith
Church	Holland	Sparkman
Cotton	Hruska	Stennis
Curtis	Jordan, N.C.	Talmadge
Dirksen	Jordan, Idaho	Williams, Del.
Dominick	Long, Mo.	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—15

Fulbright	McCarthy	Pastore
Gore	McIntyre	Ribicoff
Harris	Metcalf	Smathers
Kuchel	Morse	Thurmond
Lausche	Muskie	Tower

The VICE PRESIDENT. On this vote the yeas are 42, and the nays are 42, a tie. The Chair votes "yea."

So Mr. CLARK's amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment.

Mr. WILLIAMS of Delaware. Mr. President, the bill as reported from committee provided for a 13-percent increase. Another increase of $25 million has just been voted by the Senate which will mean a total of $189 million added above the amount which was recommended by the budget, or a 15-percent increase altogether. This is at a time when we are talking about establishing priorities. I think that the bill should be sent back to committee with instructions that the committee would have, in its discretion, the power to include the amounts for the impacted areas and for Head Start but they would be required to make an offset reduction on another item; in other words, if they wish to establish some priorities. If the committee decides that extra money is necessary for one item then it should be taken from some other place.

For example, if we wish to add the $90 million for the impacted areas and $25 million for Headstart, then let us decide which program will have to "give" in order to get it.

President Johnson says that he wants to hold the line. If the administration is sincere and if Congress is sincere we should start establishing these priorities. Certainly the committee could just as easily include in the same bill a rescission on the supersonic transport and perhaps reduce the beautification programs. We could cancel some of the new projects, such as grants for golf courses and various other programs which are not essential at a time when this country is at war and when it has a deficit of $28 billion. The adoption of this amendment would save $189 million.

Therefore, Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware [Mr. WILLIAMS] proposes an amendment to move that H.R. 15399 be recommitted to the Appropriations Committee with instructions that it report back to the Senate with the total amount included in it reduced to $1,216,020,863.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware to recommit the bill.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, if my amendment to recommit the bill is adopted it would give the Appropriations Committee full authority to establish priorities as to where these cuts will be made. The administration and Congress, working together, should establish the priorities as to the number of dollars that should go to impacted areas, a program which has merit and should be considered. At the same time the committee should come up with a plan wherein it can cut back on other phases of this program. Altogether, as I have stated, without this amendment $189 million more will be added to the bill than was requested by the budget. That is a 15-percent increase, and tomorrow we are opening hearings with the Secretary of the Treasury, who will be asking Congress to increase taxes. I think we should all decide how far we can go in the matter of increasing taxes in order to pay for the extra programs.

Mr. President, I hope that my amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware [Mr. WILLIAMS] to recommit the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Connecticut [Mr. RIBICOFF]. If he were present and voting, he would vote "nay"; if I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Florida [Mr. SMATHERS], are necessarily absent.

I also announce that the Senator from Oklahoma [Mr. HARRIS], is absent because of an illness in his family.

I further announce that the Senator from Tennessee [Mr. GORE] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS], would each vote "nay."

On this vote, the Senator from Rhode Island [Mr. PASTORE] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Rhode Island would vote "nay" and the Senator from Texas would vote "yea."

Mr. DIRKSEN. I announce that the Senator from California [Mr. KUCHEL], the Senator from South Carolina [Mr. THURMOND], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Texas [Mr. TOWER] is paired with the Senator from Rhode Island [Mr. PASTORE]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Rhode Island would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Carolina [Mr. THURMOND]. If present and voting, the Senator from California would vote "nay," and the Senator from South Carolina would vote "yea."

The result was announced—yeas 22, nays 64, as follows:

[No. 52 Leg.]

YEAS—22

Allott	Dominick	Murphy
Baker	Fannin	Proxmire
Bennett	Griffin	Russell
Boggs	Hansen	Smith
Cooper	Hickenlooper	Williams, Del.
Cotton	Jordan, Idaho	Young, N. Dak.
Curtis	Miller	
Dirksen	Morton	

NAYS—64

Aiken	Hart	Monroney
Anderson	Hartke	Montoya
Bartlett	Hatfield	Moss
Bayh	Hayden	Mundt
Bible	Hill	Nelson
Brewster	Holland	Pearson
Brooke	Hollings	Pell
Burdick	Hruska	Percy
Byrd, Va.	Inouye	Prouty
Byrd, W. Va.	Jackson	Randolph
Cannon	Javits	Scott
Carlson	Jordan, N.C.	Sparkman
Case	Kennedy, Mass.	Spong
Church	Kennedy, N.Y.	Stennis
Clark	Lausche	Symington
Dodd	Long, Mo.	Talmadge
Eastland	Long, La.	Tydings
Ellender	Magnuson	Williams, N.J.
Ervin	McClellan	Yarborough
Fong	McGee	Young, Ohio
Fulbright	McGovern	
Gruening	Mondale	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—13

Gore	Metcalf	Smathers
Harris	Morse	Thurmond
Kuchel	Muskie	Tower
McCarthy	Pastore	
McIntyre	Ribicoff	

So the motion of Mr. WILLIAMS of Delaware to recommit was rejected.

Mr. MONRONEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Oklahoma will be stated.

The assistant legislation clerk read the amendment, as follows:

On page 4, after line 7, insert:

"TREASURY DEPARTMENT

"OFFICE OF THE SECRETARY

"Salaries and Expenses

"For an additional amount for 'Salaries and expenses, Office of the Secretary' $25,000."

Mr. MONRONEY. Mr. President, this is a very simple amendment, one that is occasioned by the precipitate overturning by the Treasury Department of a regulation that has been important for

about 40 of our 50 States. The program of industrial expansion, the program of attempting to prevent the overcentralization of industry in our ghetto centers, has been of real and genuine concern to most Americans, as I know it has been to the Members of Congress.

As a counteraction to that tendency, we have endeavored, through the Economic Development Administration, through the poverty program, and through many other Government financial programs, to try to provide facilities for industrial locations, generally new plants, in the rural areas of America. These deprived areas have a vast surplus of underemployed Americans, who, if given an opportunity to participate in today's industrial world, turn out a splendid accounting of their labor, their discipline, and their eagerness to produce, and who do not engage in rioting, demonstrations, and other forms of trouble that often occur in our ghetto centers.

If we are to make effective that in which we say we believe, that we should not create new ghettos, then we should use every means at our command to try to prevent the outflow of the population that is located throughout this Nation in the less congested areas, including the continuation of a program that has worked well without Federal Government assistance.

This program has involved the permission for municipalities, counties, or States to issue industrial development bonds, which are backed up by the value of the property, the real estate or the machinery that makes up these expanded industrial facilities in rural or not over-populated areas, and which have provided opportunities to find new skills, new markets, and new prosperity for States that heretofore have been troubled and bothered by the loss of population through outmigration from rural areas.

We all know that, thanks to modern agricultural machinery, the preponderance of rural people which once comprised the major portion of our country's population no longer exists. We all know that employment for such people locally, lacking the establishment of some small fraction of our industrial plant in such areas, does not exist without help and encouragement from the States and municipalities.

Thus, without any expense to the Federal Government the States, the counties, or the municipalities have, at their own expense, issued revenue bonds, guaranteed by the full faith and credit of the county, the city, or the State, and those bonds have found a ready market because of the tax exempt status of the interest earned on the bonds.

But less than a week ago, the Treasury Department, without notice to anyone, without consultation before the committee, without yea or nay from Congress itself or even the courtesy of an announcement, totally without notice, discontinued the preapproval of the tax exempt status of this type of bond.

This has shaken the bond market. It has stopped the opportunity for a flow of capital for the necessary expansion in rural areas of these plants that have been bargaining or looking for areas in which to locate, where the supply of labor was dependable, where living costs were less, where, without uprooting families from their homes, their churches, their schools, and their associations, they have been given hope and opportunity—a program that is beginning to work well.

I do not think we could find the money in the Treasury to subsidize these plants, or to underwrite them on a national basis to the extent necessary to encourage this decentralization of our industrial resources for the purpose of this nonurban expansion.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. CURTIS. I am very much interested in what the distinguished Senator from Oklahoma is saying

Tax-free revenue bonds may operate differently in different States. In some places, they are limited, for repayment purposes, to revenue only. But here is the basic problem: For years and years, these revenue bonds have been tax exempt, and the Treasury Department has chosen to impose a tax on them by Treasury edict or regulation. It is the most arrogant, brazen action I have ever known. The Constitution fixes in Congress the power to legislate and the power to tax; and the Treasury has imposed a tax that did not exist before.

Regardless of what our individual views may be on tax-exempt revenue bonds, whether we believe they should be taxed or not, we should do something about it. Tax-exempt status is an issue over which wise and good men may disagree, but there can be no disagreement with the fact that Congress, and Congress alone, can levy taxes; and if we permit this to go by, the day will come when the Treasury will levy other taxes, when they will repeal taxes, when they will raise existing taxes.

I ask the distinguished Senator from Oklahoma, will his amendment relate to this problem? Is the intent of the amendment to override what the Treasury is proposing to do, that is, to impose a tax that is not now imposed?

Mr. MONRONEY. The Senator is exactly correct. That is the sole purpose of the amendment. I believe that it is the only way in which we can say, today, that we object and we will not tolerate the Treasury itself legislating taxes or imposing a raise on taxes heretofore made exempt by statute, by law, and by custom.

This will give the Treasury $25,000, and the RECORD will show that it is for the purpose of continuing the examination of these applications for preclearance of their tax exemption on this type of municipal bond, or of county bonds or State bonds that are being used, to a considerable degree, to substitute for federally appropriated funds to accomplish the same purpose.

I think it is high time we send word down to the Treasury that we are sick and tired of having legislation by executive edict, by the Treasury specialists, who have shown no great degree of aptitude in trying to figure out a basis of taxation that Congress will accept. They now want to go back and roll back a custom that is reasonable and is helping alleviate the flow of underemployed agricultural workers and underemployed high school and college graduates who otherwise have to go to the ghetto to find decent jobs equivalent to the capabilities that the educational facilities of the separate States have been able to give them.

I want the RECORD to show, and I believe the debate will indicate, that the sole purpose of the $25,000 I am seeking to add to this bill—and I am told the amendment is germane—is to show the Treasury Department that we expect them to continue to follow a practice they have been following for many years, affecting what has become a part of the underpinning of our decentralization of our industry in overcrowded areas, and offering rural areas at least a chance to bid against the metropolitan areas for the location of plants. The citizens of the county, the municipality, or the State have been willing to exchange bonded indebtedness for an opportunity, which is the only way they have of obtaining such an opportunity, and thus to be able to offer the kind of a plant necessary to support and maintain the kind of industry that is seeking a location.

The great industrial corporations are not going to do this alone. The banks are not going to do this alone. The citizens in these communities do not have it within their capability to do this without this feature. I can show the Senator dozens and dozens of industrial and economic opportunities that have been made to exist because of this feature.

We estimate in Oklahoma that this decision would block the employment of as many as 16,000 people.

We have 12 counties and 11 municipalities across Oklahoma that are gearing up to provide industrial plants. At least $16 million in nonexpended bond funds could be frozen, money that has already been precleared, if the IRS proceeds without congressional approval, which I believe it is unwise for the Treasury to do. I think it is legally impossible for them to accomplish this. However, rather than to freeze present deals that are the result of years of work, I think it is high time that Congress legislate in this field. And I shall call for a roll call on this matter. I think that Congress should show its determination to put a stop to this unmerited, unwarranted, and, I think, unlawful interference with the programs developed by the local communities to provide some relief from the creation of any bigger and more dangerous ghettos throughout the Nation.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. PROXMIRE. Mr. President, will the Senator from Oklahoma indicate whether he has any estimate as to the effect of his amendment on revenues?

Mr. MONRONEY. The effect on revenues is minimal, because the only thing that would be taxed would be the interest earned from these revenue bonds which are not taxable. However, let me say that the municipalities and the counties of the State would benefit. It would not operate to the benefit of an individual. I would not want an individual to benefit. However, the States and the municipalities would benefit, because

their bonds would sell at lower rates because of the nontaxable feature.

If we follow the recommendation of the Treasury Department, we might as well jump off the dome of the Capitol as to expect any capital to flow into this type of expansion.

Mr. PROXMIRE. Is it not true that the amount of tax-exempt revenue bonds issued for industrial purposes has increased by manyfold over the past few years? And is it not also true that this huge and growing exemption or loophole in the tax law will grow far bigger in the future and could amount to a loss to the Treasury of hundreds of millions of dollars.

Mr. MONRONEY. I doubt that it would amount to that much money. However, it would amount to a lot more than that if the Federal Government finances it. And that is the only other source of financing.

I am sure that the distinguished Senator from Wisconsin does not want the Federal Government to be the sole producer of capital for this expansion. I know he does not want the airports in his State or in my State to go to another type of financing and have the Government match 90 percent instead of the customary 15 percent for a runway expansion.

I think the bonds issued to build any airport according to the modern safety standards would have to pay at the same rate, even though it were for a runway expansion, as one of the big distilleries would have to pay.

I think the public is entitled to the break that historically, traditionally, and, I think, constitutionally has been allowed to the local governments which issue tax-exempt bonds.

Certainly an airport is important enough to justify the issue of tax-exempt bonds. I think it falls in the same category as a water plant or a sewage plant. If they follow this theory to the utmost, they would be able to knock out not only industrial bonds, but also any other type of revenue bond. Certainly water works and things of that kind are, in effect, revenue bonds.

Mr. PROXMIRE. Mr. President, what concerns me more is that we in Wisconsin have not in general followed the policy of issuing a tax-exempt revenue bond for the location of industry. Many people feel that it is a loophole, that it is unethical and undesirable.

We have, however, found that industry which has been located in Wisconsin has gone out of our State into other States that have used this tax-exempt revenue bond device.

How does the Senator answer the argument that the tax exemption should be used as sparingly as possible and can only be justified on the grounds that it is for an essential municipal purpose such as education, health, or something of that kind?

As the Senator must know, the reports that I have heard are to the effect that in many areas these revenue bonds which are tax exempt are put out strictly for industrial purposes and result in a tremendous windfall for industry which can locate in an area based upon their ability to a great extent to have their capital exempt from Federal taxation.

Mr. MONRONEY. They have to retire the full amount of the bonds. The only place that the municipalities are favored is by the lower discount they have to offer on the market.

I do not think that any Member of the Senate wants the municipalities or local governments to suffer from the withdrawal of the discount or from a lower discount than is necessary to market or merchandise these bonds.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MONRONEY. Mr. President, I yield.

Mr. HOLLAND. Is it not a fact that the Treasury Department for several administrations back has had bills introduced in Congress in an effort to strike the tax-exemption feature from the interest on various municipality and State and public bonds of various kinds and that Congress has refused to follow that philosophy?

Mr. MONRONEY. The Senator is exactly right. Yet, the Treasury, without a hearing, without notice, and without consultation, and without notifying any Member of the Senate that I know of, has deliberately withdrawn the exemption despite all of the negotiations that have been carried on for a long time and the plans and specifications that have been drawn on the pending bond issues, which are now in limbo.

That is why I am offering the pending amendment for the amount of only $25,000 in order to continue the work that has been done by giving preclearance exemptions.

I admit that there have been some abuses. The SEC has been moving in this field. Last month the SEC issued an order to correct any abuses which occur by reason of charging for investigation, engineering, or the merchandising of the bonds.

We will have this regulation where it should be, in the SEC, for insuring the full faith, credit, and value of this type of financing.

Mr. HOLLAND. Mr. President, it seems to me that this is a matter that should be studied by Congress. The very fact that this matter has been suggested to Congress time and time again in perhaps various forms and has never received favorable response from Congress shows that the Treasury is now trying to do an end run around Congress.

I think there have been abuses in this field. I have no doubt that if the matter is properly presented to Congress in the interest of distinguishing between those things that are necessary, desirable, and wise and which should not be taxed by the Federal Government and other matters which are not municipal, legislation can be passed. There is no justification at all for small communities issuing bonds for waterworks or sewerage and other quite necessary public uses having to pay a higher rate of interest simply to augment the Treasury here in Washington.

It seems to me that legislation should be proposed rather than to have an end run of this kind attempted.

I shall support the Senator.

Mr. MONRONEY. Mr. President, I appreciate the statement of the Senator. This is a stopgap measure until they can come to Congress formally and present their matter and get our determination.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. MURPHY. Mr. President, does the Senator agree with me that the expenditure of this very small amount of money would constitute probably the finest bargain that I have heard of since I have been a Member of the Senate?

If we can stop the inroads by the Treasury and other departments of the Government encroaching upon what has been properly a function of Congress, if we can spend $25,000 every day to stop this practice and get the characteristic of this Government back the way it should be, I would like to do it.

I congratulate the Senator. I will support his amendment enthusiastically.

Mr. MONRONEY. I appreciate the sentiments of the Senator from California.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. CURTIS. I should like to point out that even if one were to accept the argument advanced by the distinguished Senator from Wisconsin that these bonds should be taxed, the only branch of government that can impose the tax is Congress; and the issue is, is Congress, on behalf of the American people, going to defend its exclusive right to impose a tax.

Mr. MONRONEY. The Senator is eminently correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield to the senior Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I can understand the objective that the Senator from Oklahoma is attempting to achieve. I do not believe the amendment he has offered will accomplish it.

As the Senator from Nebraska has pointed out, whether or not we agree with this law as it is now written is beside the point. If it is going to be changed it should be changed by Congress in legislative action.

All that the Monroney amendment does is to give $25,000 more to the Treasury Department. It does not even mention the ruling.

Last week the Under Secretary called my office and told me they were going to announce the ruling to which the Senator has referred. The Under Secretary was speaking about the abuse, and there has been some abuse under this program. I told him that I recognize the abuse and would help him correct it but that its correction should be achieved legislatively, not administratively. We are a government of law. I believe it should be done that way.

However, the Treasury has issued notice on this ruling. They have issued it, as the Senator may know, effective after the 15th of March, and they will not approve any more tax exemptions for these

industrial bonds until they have had hearings on the ruling and decided whether or not to make it final.

I suggested to the Treasury that when they come before our committee to testify on the excise tax and other proposals they be prepared to present to the committee an explanation as to what they are trying to achieve. They should be prepared to tell us what loopholes they are trying to close, and then it should be done legislatively, as an amendment to the bill which will be coming before Congress within the next 10 days.

If we do it by legislation we can at the same time eliminate other loopholes and abuses that have been occurring—and there have been some abuses under it. I am familiar with that. I believe that we can correct this much better with an amendment to a tax bill. As I understand the amendment, all it would do would be to give an extra $25,000 to the Department. Nothing in the amendment says they have to cancel the ruling.

They have already announced the initiation of the ruling. You are right back where you started, except you are giving the Department $25,000 more spending money and you are saying, "We don't like what you're doing."

I respectfully suggest that the Senator withdraw his amendment at this time. And wait until the Treasury Department witnesses appear before our committee on the tax bill. I do not believe there is much disagreement in what he is trying to achieve.

Perhaps the Senator from Oklahoma will want to testify on this point, and then we will see what answer we can come up with. If we cannot agree with the Treasury Department upon a solution then we can offer an amendment in the committee or on the floor, but do it legislatively so that it will have some binding effect.

Lest there be any misunderstanding—and as explained to me—the ruling will not in any way affect the present tax-exempt status of water and sewerage bonds and other types of municipal operations.

Mr. MONRONEY. What about airports?

Mr. WILLIAMS of Delaware. The Department did not mention airports.

Mr. MONRONEY. Because that is a revenue-producing facility, you cannot extend a runway 10 feet without getting involved.

Mr. WILLIAMS of Delaware. Those are the points we must clear up legislatively. The Department specifically mentioned water and sewerage and other types of municipal operations. I do not know whether airports are included. These are points that can be raised better by the committee when the Secretary is before it. I understand the Secretary will appear before the committee tomorrow morning or Wednesday at the latest.

After we find out exactly what they propose to do in connection with this ruling—which we do not know now—we can consider legislation.

I do not believe there would be any objection on the part of the Senator from Oklahoma or anyone else in correcting some of the glaring abuses that have been cited under the present exemption. I believe we can arrive at a happy medium, spell out what we are correcting, and spell out the point beyond which we do not want to go.

I make that suggestion as one who agrees with the Senator to the point that we do not want legislation enacted by the Treasury Department by the mere issuing of a ruling, thus changing the method of interpreting a law that has been on the books 12 or 15 years. Let us change it in Congress and know what we are doing, and until it is changed by Congress the Treasury Department should stand by the present law.

Mr. MONRONEY. I appreciate the Senator agreeing with me, but it is like hanging a man and then giving him a fair trial.

The bond market is going to be shot by this situation for 6 months or for a year before recovery. I am trying to maintain the status quo against legislation by the Treasury Department, until the committee can get around to hearing the matter.

It will not be too difficult to postpone the date from the 15th until the people can be heard. In the meantime, let us say, loud and clear, that here is $25,000 for the Secretary of the Treasury; and the record of this debate will show that we mean it is to apply for a continuation of the preclearance or approval of tax-exempt status for those types of bonds which have historically been considered tax exempt by the Treasury and by the various municipalities and their branches. I believe it is little to ask. If they do not spend it for this purpose, they will be misusing it.

I hope we can have a unanimous vote and thus show our indignation at usurpation of these functions by a bureaucracy.

Mr. WILLIAMS of Delaware. The Senator will admit that even if his amendment were agreed to unanimously there would be nothing in the amendment which would require the Treasury Department to rescind its present ruling, nothing at all to provide a solution to the problem. If we are to change the law it will be better to do it by legislation in the tax bill when it is before us. The amendment offered here today will not solve any problems.

Mr. MONRONEY. I do not agree. I am attempting to keep a sick body alive with a pulmotor, until we can pass on proposed legislation. I do not believe in having rigor mortis set in and then trying to bring the body to life.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. BAKER. I thank the Senator from Oklahoma, and I commend him for this move.

May I say at the outset that I entirely agree with what he is doing and, under the circumstances, the method by which he attempts it.

May I inquire, to make sure that I fully understand the situation, whether the Senator from Oklahoma would agree that nothing in this amendment would require the Treasury Department to reverse its position as stated on the matter of no more prospective rulings in this field.

Mr. MONRONEY. I would say that the legislative history is always the prime document to which any administrator looks. I believe enough legislative history has been stated on the floor on this issue. It is as clear as a neon sign in front of one's face that Congress is irritated and disgusted with this preemption of legislative power, and we intend to hold the status quo until we get through with appropriate Senate committee action.

Mr. BAKER. I agree completely. Notwithstanding the answer that the Senator from Oklahoma has made that there is no compulsion in the amendment that will affect the Treasury Department, I believe that this field is so broad and of such great importance to so many areas of the United States, and so well embodies the concept of self-help for the further industrialization and social and economic development of underdeveloped areas, that is would be shameful if we stood by and, by a shortage of money, by a shortage of expression of support or opposition or opinion, or by a shortage of resolve, failed to make it abundantly clear to the Treasury Department, to all who may read this RECORD, that the concept of self-help embodied in revenue bond situations is so vital and important that we wish to see it continued without being fettered by administrative or bureaucratic bottlenecks.

Mr. President, I would also agree with the Senator from Delaware [Mr. WILLIAMS] that there are abuses of this practice, and that this is an area where there should be close supervision and corrective legislation. However, the one point I would suggest for the Senator's consideration is the urgency of time because, as a former practicing attorney, I know that there are many who are now in the process of attempting to issue revenue bonds, who may have signed contracts for developments which are most worthwhile in their areas. If the Treasury Department follows this course that would make the security proposed to be issued totally unmarketable.

VISIT TO THE SENATE BY MEMBERS OF THE JUDICIARY COMMITTEE OF THE FRENCH SENATE

Mr. MANSFIELD. Mr. President, the Senate is honored, indeed, this afternoon to have four distinguished members of the Judiciary Committee of the French Senate in attendance. We are delighted to have them as our guests and to see us at our work.

Mr. President, at this time I wish to introduce Senators Marcel Prelot, Pierre Marcilhacy, Marcel Molle, and Jean Geoffroy. [Applause, Senators rising.]

Mr. President, I move that the Senate stand in recess for 1 minute for the purpose of greeting our distinguished visitors.

The motion was agreed to; and (at 4 o'clock and 11 minutes p.m.) the Senate took a recess.

During the recess, members of the French Senate were greeted by Members of the Senate.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. HOLLINGS in the chair).

SUPPLEMENTAL APPROPRIATIONS, 1968

The Senate resumed the consideration of the bill (H.R. 15399) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. MONRONEY. Mr. President, we have discussed this matter rather fully. I was going to yield to the distinguished senior Senator from New Hampshire, but he has temporarily left the Chamber.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. HRUSKA. Mr. President, I rise to support the Senator from Oklahoma in his contention and in the construction he places on this appropriation of $25,000, which is a vehicle for us to express our collective concern about the situation that has developed. I fully agree with the Senator from Oklahoma that unless we prevent a loss of momentum in this matter it will reflect great and irreparable harm.

There is functioning now a subcommittee of the Committee on the Judiciary that deals with this problem of the separation of power. There is no question as to where legislative intent is in this matter, as has been developed by my distinguished colleague from Nebraska [Mr. CURTIS] a little bit ago in excellent fashion.

There is no question that the legislative intent is that this policy, which has been voted upon by the Treasury in favor of the procedure that prevailed up until now, should continue until there is legislative change. Now, along comes the Department which seeks to take unto itself legislative power.

Here is a chance to deal with the matter and to deal with the matter very emphatically.

For that reason I support the amendment of the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I appreciate the assistance of the Senator.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. YOUNG of North Dakota. Mr. President, I wish to say in a few words that I support the position of the Senator from Oklahoma. A big aye vote here would say in no uncertain terms what the Senate thinks about the Internal Revenue Service in effect enacting legislation.

If there is some other and better approach this could be handled in conference with the House of Representatives and the House conferees could say that perhaps it should be handled through a legislative committee. But this would state in no uncertain terms what the Congress means.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. HILL. Mr. President, as a member of the Committee on Appropriations, in charge of the bill, I wish to say that the committee, of course, did not have this amendment before it and, therefore, did not have an opportunity even to consider it. Because of the views expressed on the floor today and the views expressed by the senior member of the committee, the Senator from North Dakota [Mr. YOUNG]—and I understand the Senator from Oklahoma discussed the matter with the Senator from South Dakota [Mr. MUNDT]——

Mr. MONRONEY. Briefly. He was at a hearing and I did not fully explain it.

Mr. HILL. He could not take it to conference. I think we should have a vote and take it to conference.

Mr. MONRONEY. I thank the Senator.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, when the Senator has completed his remarks I would like to claim the floor.

Mr. MONRONEY. Mr. President, does the Senator from Louisiana desire the floor in his own right?

Mr. LONG of Louisiana. Yes.

Mr. MONRONEY. Mr. President, I shall close in 1 minute.

With hardly any dissenting votes, when the poverty program was before us my junior colleague and I offered an amendment to earmark $50 million of the funds appropriated in that bill for research to find ways and means of locating industry in underdeveloped areas, such as the rural areas. The proposal breezed through by a unanimous vote, with the consent of Mr. Sergent Shriver and the Senator from Pennsylvania [Mr. CLARK], the man who handled the bill. There was voted $50 million to encourage this development.

Here is something that will not cost 1 cent. I doubt that $25,000 will be spent but it shows our determination that we intend to stop creating new ghettos, that we intend to see better distribution economically, psychologically, and physically for our population now moving so heavily from underemployed areas to overcrowded centers.

For that reason I think it is an important measure, admittedly one that is a stop-gap measure, but one that is also necessary to prevent demoralization of the bond market.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the Senator. I hope this amendment will be accepted. During my term as Governor of Wyoming we passed legislation which permits municipalities of the State and the counties, as well, to employ this device to accomplish purposes so clearly set forth by the distinguished Senator from Oklahoma.

It is frustrating and disappointing, indeed, for a city, for a county, or for some other subdivision of government to try to work up what is necessary in order to comply with the requirements of the Treasury Department, only to find out, after having spent a number of months, that they will be summarily turned down. I think it is high time the Congress spelled out, as this amendment spells out, our convictions so as to leave no doubt in the minds of Treasury Department officials what the Congress intends.

I support the Senator from Oklahoma.

Mr. MONRONEY. I thank the Senator.

I yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to say at the outset that I shall vote with the Senator from Oklahoma in order to express my views with respect to the assumption of legislative power by the Internal Revenue Service.

However, I strongly disagree with the Senator from Oklahoma on the merits of the action taken by the Internal Revenue Service, whether or not this tax exemption accomplishes the purpose he suggests. This alleged purpose of alleviating poverty is questionable. In many instances, the use of tax exempt industrial bonds for industrial purposes may provide benefits in those States utilizing this tax loophole. But these States provide these benefits at the cost of those States which do not use the industrial bond tax loophole.

In many instances, the unemployment is only transferred from one State to another. It should also be noted that a plant that is owned by a local municipality, taking advantage of this industrial bond loophole, is not paying local real estate taxes whereas many times companies with whom it is competing in the same area are giving the tax loophole firm a decisive competitive advantage——

Mr. MONRONEY. That is up to the local municipality to determine.

Mr. GRIFFIN. In many instances, the situation is as I indicate. Therefore, I feel the Department is right in its determination that this legislation should be changed, but I feel that only Congress is empowered to change the law in this respect.

Mr. MONRONEY. If the Senator keeps on making the cars, let us make the tags that go on the cars and we will be happy with that additional employment.

Mr. MILLER. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. MILLER. Just a word before we vote. I should like to bring something into perspective here. I have had the opportunity to see the way industrial revenue bonds work. I must say that I do not believe they have caused industry to run from one State to another. The Senator from Wisconsin pointed out that there was some problem about some industry leaving Wisconsin. I am sure that if we looked into the motives for any industry leaving a State to go to another State, it would not be a matter of closing up a plant just to go to another State and have a new one opened up. It would be a case of where the tax environment in the home State caused them to leave to go to another State where the tax environment was better.

All the industrial revenue bonds do is help an industry determine where it will locate a new plant. It may mean that a new plant might not locate in Wisconsin but in some other State. That does not mean they will take industry out of Wisconsin, or take employment out of Wisconsin. I do not think it works out that way.

Mr. MONRONEY. I agree with the Senator.

Mr. MILLER. I think that fact should be brought out in considering the amendment. I shall support the Senator's amendment, because I also feel that the Treasury Department should have done a little better coordinating with Congress before it undertook to issue its proposed ruling.

Mr. LONG of Louisiana. Mr. President, the Senator serves on the Committee on Appropriations. I serve on the Committee on Finance, which handles revenue measures. The Senator comes before the Senate and proposes an amendment to an appropriation bill to try to force the Treasury Department to change its ruling with regard to the tax-exempt industrial bond matter.

My State of Louisiana happens to be one of the States which employ these bonds in attracting new industry.

The Appropriations Committee has no jurisdiction over this matter whatever. Not only does it have no jurisdiction, it has not had any hearings on it. It would be inappropriate for that committee to hold hearings, because it has no jurisdiction whatever.

So here it is proposed to increase appropriations into the Treasury Department for the purpose of saying that the increased appropriations shall be used to reverse a Treasury Department ruling. Who knows whether the Treasury Department ruling is right or wrong? I know something about tax-exempt bonds. Goodness knows, I should. My office has been used to help get these sophisticated tax arrangements approved for plants to be build in Louisiana.

At one time, those industrial bonds gave the States which used them an advantage over others which did not. Louisiana did not start it. But when many other States adopted their use Louisiana got into line. When industry talks about going into a State, some of them are smart enough and sophisticated enough to explore the possible advantages, concessions, and so forth, which they could wring from a State. That is easy enough to get from a State an agreement to give industry the utmost cooperation in financing its plant, so that a company would want to locate in the State.

When that was started in Southern States, the Southern States had some advantage. Other States found it necessary, in competing for industry, to do the same kind of thing. First one State and then another got into it. I understand that now more than 40 out of 50 States use the practice, and that it will soon be 50 States out of 50 States.

If a State does not build a plant, then the county would. Or perhaps the dock board will; or if it will not do it, a special authority would be created and it would build it. Then the plant is leased back to industry. That is not an illegitimate practice. I think that is the function of a State to do just that which it is appropriate for the State to do. The use of an exemption from Federal taxation is something that a State enjoys.

But, if we want to subsidize someone, why start out with the biggest corporations on earth? Why not subsidize some poor little fellow down here who has to borrow some money just to bury his mother, or to buy an automobile? Before anyone has had a chance to hear the Treasury side of the argument, we are asked to approve a subsidy to the biggest corporations in America so they get the lowest interest rate possible, which interest rate reflects the fact that no taxes are due on interest paid on the money borrowed to build them a new plant.

I understand that New York is one of the last holdout States—once those holdout States get in line, then industry in 50 out of the 50 States will be able to say, "We will not build a plant in your State unless you get in line with the practice the other States have been using, to use State power and State exemption from Federal taxes, on our behalf to prevent the fellow who loans us money, from paying any taxes on the interest we pay them on the bonds."

Mr. President, the question of whether the Senator is right in his amendment depends upon whether the initial Treasury Department ruling was right. When the States, first one and then another, begin to exempt private industry financing from tax on the interest borrowed to build the plant, they should be subject to a hearing where both sides, business and the Treasury Department, can tell its views. Business generally has regarded this thing as being unethical, and that it was not fair or right.

Tomorrow, we are holding hearings before the committee. We have not had a hearing thus far. The committee is meeting tomorrow on a bill to extend certain excise taxes which have an expiration date. It will have to pass that bill to maintain them, otherwise those taxes expire. They are excise taxes on automobiles and telephone communications. If one wants to offer that amendment, it should not be just to increase the appropriations to the Treasury Department. It should be to see that the funds will remain tax exempt and pay no taxes whatever.

But at least one ought to know what the position of the Treasury is. He ought to know what the arguments are for and against. He ought to know what cost is involved. The Senator from Oklahoma has said he estimates the cost to be practically nothing. I have made an effort to study it. I estimate the cost to run into hundreds of millions of dollars in revenue loss if all these plants and industries going up throughout the country are to be financed on the basis that the interest they pay will not be taxed.

Mr. President, it is an appropriate area for a hearing. It is an appropriate area for legislation on a tax or revenue bill. But why should the Appropriations Committee or why should the Senate itself dictate to the Finance Committee what our decision should be before we have ever heard the case for a moment? We have never heard a moment's argument; we have never heard an argument for or against the tax exemption, merely for an appropriation to increase that amount by $25 million to indicate, by the appropriation process, that Congress wants the Treasury to reverse a ruling which states that after a certain date certain revenue bonds of this sort shall not be tax exempt.

This is not at all proper. If someone wants to change the law, we have no closed rule in the Senate. If the Treasury is wrong, after its officials have their say, any Senator can offer an amendment on the floor to reverse it. But to come here on an appropriation bill, and seek to commit the Senate when the case has not been heard one way or the other, really is not the proper procedure.

I do not know of anyone who would contend that is the way we ought to meet the issue. The way we ought to meet it is, as the Senator from Delaware has suggested, frontally. We ought to meet it as a direct proposition. It ought to be considered as a measure on a revenue bill—a tax bill—not an appropriation bill. I would hope the Senate would vote in that fashion and let the matter be considered on that basis.

I would hope the Finance Committee would have an opportunity to conduct hearings and to vote on this matter and to use our best judgment after we have had a chance to be informed on it.

I have heard some Senators say that they are going to vote for it, without having heard the arguments on the other side. If it is agreed to, then I hope the House will refuse to accept it.

Mr. MONRONEY. Mr. President, I am a little surprised that the chairman of one of the most important committees, if not the most important committee in the Senate, would yield jurisdiction to a Government bureau. Actually, this magic March 15 date is not Congress' date; it is the date of the Treasury Department. If we do not act, it will become law, without the lawmaking force being called, without the Senator's distinguished committee having had a chance to consider the ruling. This is not a ruling of the Finance Committee; it is a ruling of the Secretary of the Treasury or someone in that shop.

We are here to legislate. We are not here to accept the assumption of power, by acquiescence or by negligence, or whatever you may call it, of that agency. We have the right to legislate in this field.

This has been the law, and now it has been changed to terminate on a certain date by a mandate of one of the departments of Government which is under the jurisdiction of the distinguished Senator's Committee on Finance.

The Senator's committee is going to have hearings. This proposal does not say from now on until kingdom come. It is made clear by the legislative history that the law which has been in effect, which has been the custom, which the Senator's committee has approved of, certainly by acquiescence, if not by direction, which has gone on for years and years, shall not be shot down in midair, without notice.

We could not do anything about it in the appropriations bill because I did not know about it. The members did not know about it. Why was it done so surreptitiously? I had to read about it in the Wall Street Journal to learn anything about it. There have been repercussions in my home State with respect to many, many projects which people have been working on for years to interest underwriters to accept the responsibility of marketing bonds. They have no right to be shot down without hearings.

If the Senator wishes to have hearings by his committee, I welcome the opportunity to appear, but until that is done, I

expect the Senator and others to observe the law as passed by the Congress, and not by any department downtown.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. LONG of Louisiana. Mr. President, if that ruling is wrong, and the committee so concludes, either the committee or the Senate itself can change that ruling. It can change it retroactively and completely, as if it had never happened at all. I have seen retroactive measures before. I am sure we would do it in this case.

I had knowledge that that ruling was going to come down. I was told about it. The Senator from Delaware indicated he was told about its coming. I assume the appropriate Members on the House side were similarly told about it and informed that this ruling was going to come down sometime soon. I was aware of the fact. I was also aware of the fact that we were going to take a look at it and decide what we were going to do about it one way or the other.

One thing I did not have knowledge of was the fact that the Senator from Oklahoma was going to come on the floor and seek to some degree to reverse that ruling without notifying any of us until 2 minutes before he brought the amendment up. So far as I knew, it was at the desk before the Senator told the chairman of the committee he was going to seek to change that ruling. So far as notifying the chairman of the Finance Committee is concerned, the Treasury certainly notified me they were going to change that ruling. If I have any reason for complaint, it is because the Senator from Oklahoma did not give us any notice that he was going to offer the amendment.

Mr. MONRONEY. Mr. President, the moment I submitted the amendment I walked first to the distinguished chairman of the committee and asked if he would join me in order to keep the law as it was until Congress changed it. I had no idea he would not agree to continuing the law, which is the effect of the adoption of this amendment. This is not for an indefinite period. The minute the committee acts or Congress acts, I am sure they will change it, but if they do not, it will remain the law. The law will be that which is adopted by the committee and the Congress. I object to the law being changed without a yea or nay from Congress and even without being able to make a comment on the change to the newspapers.

Mr. LONG of Louisiana. If the Senator will yield, may I say I have not agreed to support that particular ruling. I have not committed myself on it one way or the other. I would like to hear both sides of the argument before I am asked to commit myself on it. I hope I would be accorded that privilege. That is why I think, if this question could be heard before the appropriate committee and after the committee has had an opportunity to hear both sides of the argument for or against the Senator's position, every Senator could then vote his conviction on the question.

Mr. MONRONEY. But in the meantime the effect on the bond market will be severe, and it will be most difficult for the municipalities to carry their load to support industry by its having to pay the 1 or 1½ percent, or whatever the amount is, in the interim period, until the House and Senate can act.

I was trying to avoid that. I am trying to say to the Treasury, if this amendment carries that the people in the Department will get the word from Capitol Hill that we expect them to continue the status quo until Congress acts; that this is not a surrender by waving a white flag. This is a large-scale operation and a very delicate market situation. The Senator from Louisiana knows it as well as I do. Certainly we do not want to jeopardize in midstream the tenuous financial arrangements that have to be made by States and municipalities.

The Senator is talking about the loss of taxes. I want the Senator's committee to hear that. When a thousand dollars is invested in industrial development by industry itself or by the industries that locate in plants established with the help of States or municipalities, that represents the tax yield of one job.

One job means a lot. Oklahoma has 16,000 potential new jobs. That means 16,000 taxpayers who were probably tax users before we had this plan.

I do not defend all of the system. The Securities and Exchange Commission has already moved to cut the fat out of the program, where it exists in the States. Ours is on the basis of full faith and credit of appropriate political subdivisions.

I think the least the Senator from Louisiana can do is say, "Let us look at this in the committee, but let us not kill the animal before we look to see whether he deserves to be killed or not."

Mr. LONG of Louisiana. Mr. President, if the Senate wishes to reverse a Treasury ruling which reverses a prior Treasury ruling, it has the privilege of doing that. But if it wants to do it, it ought to just do it. But I do not know what could be more confusing than for a Senator to offer a $25,000 appropriation, saying he hopes the Treasury will change its mind about a matter. That still would not reverse the ruling. If a ruling is to be reversed, it seems to me the ruling ought to be reversed by the Senate, and the House of Representatives should concur with it, if the House agrees. We would then have legislation on the statute books that would say just exactly how the bond interest is to be taxed. But to just add confusion on top of confusion and vote a $25,000 appropriation, and say that you hope he will continue to do what he was doing prior to the time he changed his mind, is a rather meaningless thing. It seeks to commit the Senate to a position without one side of the argument having been heard at all. It certainly is not the way to legislate when we have orderly processes available to us.

The Secretary of the Treasury will be before the committee tomorrow. I shall be pleased to ask him about the matter. I hope he will be prepared to testify on it. I have not asked him in advance to testify about it, but, if the Senate feels it would like to find out about the matter, I will ask him.

Meanwhile, Mr. President, I think it would be very bad to seek, by a $25,000 amendment on an appropriation bill, to try to legislate in the tax field. This is not a tax bill and when the amendment is not germane so far as I can see.

Mr. WILLIAMS of Delaware. Mr. President, I hope the amendment will be defeated. As I read the amendment, it just asks for an additional $25,000 for salaries and expenses of the Office of the Secretary of the Treasury. It does not even mention the ruling. As far as the Senate is concerned the Secretary of the Treasury could take the $25,000 and use it for the enforcement of the very ruling the Senator is opposing.

This is the situation before us today. The Treasury announced its intention to issue a ruling that effective from March 15 they do not intend to approve any more rulings as far as tax-exempt status of industrial bonds is concerned, until after they have held hearings on the question and decided whether to make such ruling final. In the meantime, all applications will be held in abeyance.

Even if we want to override a ruling—and I do not like the Treasury Department's legislating by rulings—we would not be changing the law here. In effect, the only thing this amendment proposes is to pay $25,000 for the privilege of making a speech saying some Senators do not like the Treasury decision.

A few days ago we had a number of speeches by Senators who do not like the way the President has been conducting the war. The next thing, I suppose, we shall be asked to approve a quarter-of-a-billion-dollar appropriation for the privilege of telling the President we do not like him.

This is a ridiculous approach to a solution.

I have never heard before of making an appropriation in order to tell an agency we do not like something it is doing. If we continue such a practice I predict we shall be having the agencies spitting in our faces to get their appropriations increased.

If we really want to accomplish something I submit that the way to do it is to take money away from them, but I cannot see this method of, in effect, offering the Department $25,000 if it will reverse its ruling. Perhaps another Senator will offer to give him $50,000 if he will enforce it, and then the first Senator will bid $100,000 if he does not.

I suggest that if the Senator wishes to legislate he come before the Finance Committee with his proposal and offer something that actually carries some authority. This proposal has no authority whatsoever. I want the record to show clearly that I intend to vote against it, even though I think the Treasury has a responsibility to come before the committee and justify its position. If they cannot defend their position I shall help override the ruling, but I am not going to attempt to do it by voting for an appropriation of $25,000 just for the privilege of telling the Secretary of the Treasury we do not like him. Where I come from we express our opinions in a different manner.

Mr. LAUSCHE. Mr. President, on February 6, one month before this discussion

arose, I sent to the Honorable Henry H. Fowler, the Secretary of the Treasury, a letter on this subject. I wish to read that letter:

I am herewith sending you a thermofax copy of an editorial written in the Cleveland Plain Dealer of January 30, 1968.

Is it a fact that you have taken the following position, as set forth in this Plain Dealer editorial:

"The U.S. Treasury Department's approval of a proposal to close the federal income tax loophole in municipal bonds for industrial development should hasten the hand of Congress toward that end."

My judgment has been from the very beginning that encouragement should not be given to the program of the various states of the nation where they provide special tax exemptions, subsidies, and other aids, to invite the entry of business and manufacturing enterprises into their governmental area. When one does it, all are finally compelled to do it. When all do it, the beneficial aspects of the program turn into a minus, and in fact to a detriment, because they impose upon government a tax burden that ought not be carried by the taxpayers in a free enterprise system.

I appeared before an official of the Commissioner of Internal Revenue and supported applications made by Middletown and Portsmouth, Ohio, urging that they be given the income tax exemption for which they petitioned. I would not have done so unless in other governmental units throughout the nation subsidies were being provided as an inducement for business and industry to enter their particular states. It is one thing for the states to provide the subsidies, and I believe that is wrong; it is another thing for the United States Government to give tax dispensations for the promotion of the program, which I believe is doubly wrong.

If it were my way, I would allow the normal forces of the economy to operate in inducing businesses to settle in various parts of the country. If that program were followed, unjustified subsidies would be eliminated, thus inducing business and manufactories to settle in those communities where a healthy, unprejudiced, fair treatment is given to business enterprises. In other words, into those communities where normal business profit is not considered an evil.

The citizens of the United States complain about various nations of the world giving preferential tax treatment, and otherwise, to their local businesses and manufactories in the exportation of products, thus making it impossible for other nations to compete which do not give those special benefits. Why then do we allow wrongful and unjustified tax benefits and subsidies to be given by some states within the United States in the competition to attract industries and businesses?

Mr. President, I interrupt my reading at this moment to ask the Senator from Louisiana whether he made the statement that there are now more than 40 States following such practice.

Mr. LONG of Louisiana. Mr. President, that is my understanding. I understand that in a very short time, all 50 States will find it necessary to do the same thing. So, what is the advantage?

Mr. LAUSCHE. Mr. President, I continue to read:

I know that Ohio is one of the 40 states encouraging the practice, and I also know that it had to get into the game for competitive reasons. It should be stopped everywhere and a program formulated by the Federal Government in allowing the natural competitive advantages of the various states to determine where business and industry will settle.

I submit to the Senate that the only result of this practice now is that 48 out of the 50 States have already adopted the practice. Business enterprise is supposed to profit. The Federal taxpayers' burden has increased. Why should we complain about Germany and France offering tax advantages and then subscribe to Pennsylvania or New York or Ohio offering tax advantages within our own Nation?

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. CURTIS Mr. President, at the time that Ohio adopted this practice, were the bonds in question tax free?

Mr. LAUSCHE. The bonds in question were tax free if they were considered to be a municipal issue. There were a few municipalities that were granted the privilege by the tax department.

I stated frankly that I went before the Federal Commissioner of Internal Revenue and argued: "You gave this privilege to others. Therefore I want it for Ohio. I believe it is wrong, but since you have given it to other States, give it to my State."

Mr. CURTIS. My point is that if those bonds were tax free, then the only power on earth that could make the bonds taxable would be the Congress of the United States. That is the issue here, whether the Treasury will impose taxes or whether Congress will do so.

Mr. LAUSCHE. The Internal Revenue Service concluded that this was a circumvention of the law under which what are supposed to be nonmunicipal bonds were converted into municipal bonds, thus making them tax free. That was the position of the Internal Revenue Service.

Mr. CURTIS. Mr. President, they cannot maintain that they did not know what these bonds were being issued for, when time after time they approved them and when time after time there has been a request for legislation to tax them.

The requests were not granted. The Treasury has undertaken to usurp the power of Congress and impose a tax that did not previously exist.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. LAUSCHE. I shall yield in a minute. I repeat that it is completely wrong for the 50 States of the Union to begin competing in the field of determining which State can grant the highest subsidies by way of direct grants or tax dispensation. It is wrong, and it has been demonstrated to be wrong, because when I wrote this letter there were 40 States that did not adopt the program. There are as of now 48 States, according to the Senator from Louisiana.

In the end, we will all be on the same basis except that the industrial enterprises will be relieved of the tax burden.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Senator from Oklahoma is recognized.

Mr. MONRONEY. Mr. President, I will not worry about the tax exemption that the distinguished Senator from Ohio is worried about because a few stray industries might receive a little benefit from the interest rate on bonds that have been issued.

My State of Oklahoma has been paying for 80 years for products of the State of the distinguished Senator from Ohio, manufactured in factories on a highly protective tariff. That was one of the most distinct and perpetual overburdens and acts of favoritism to the manufacturing States that has existed in the history of the United States.

I do not intend to get into this matter too deeply. However, let us be fair about it and not be so niggardly as to regret the fact that bonds might bear a lower interest rate from the moneylenders and say that this is a huge tax advantage.

The distinguished Senator from Ohio is continuing to protect the industries in his State on matters of taxation in a very able way. However, the States that are not industrially productive States have been paying the cost of highly protective tariffs for all of these years. And this is a matter of concern to us, because, if we are talking about discrimination, the State of Ohio has had it for a long time.

We would like to have a little tiny weeny bit of discrimination in the matter of financing and be able to get money from the money market instead of having to hold our hand out to Uncle Sam and say: "Build our factories for us."

Mr. LAUSCHE. My only answer to that statement is that if the Senator is going to put his argument on the basis of which State is able to grant the greatest subsidies, Ohio would be able to grant a greater subsidy than would Oklahoma. And that is wrong. New York would be able to exceed that of Ohio.

Industry will, I suppose, go to those States where the greatest tax dispensation is granted. Louisiana will not be able to provide very much. Mississippi will be able to provide still less.

PRIVILEGE OF THE FLOOR

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that Tom Vail of the Senate Committee on Finance be permitted the privilege of the floor of the Senate during the remainder of the session today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, if it is wrong to have States compete with one another to see who can offer the biggest subsidy to get industry in a State, is it not even more wrong for States to compete with one another to see to what extent they can keep bond buyers from paying taxes, not to their State, but to the Federal Government?

Mr. LAUSCHE. My answer to that statement is that if we allow the competition to go on, the State with the greatest wealth would be able to grant the greatest subsidy and exemption. The State with the greatest wealth would gain the industry. Then, the Federal Government would be hit on the head and the taxpayer would have to pay the exemption that the Federal Government granted in addition to the subsidy granted by the State.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. MURPHY. Some time ago, I thought I understood the question. I am

going to ask the Senator to try to straighten it out for me. It seemed to me that the distinguished Senator from Oklahoma offered an amendment that objected to the fact that the Treasury Department was taking over the duties of Congress.

Mr. LAUSCHE. No.

Mr. MURPHY. There is no question as to the propriety, no question as to all the arguments made by the distinguished Senator from Ohio or the distinguished Senator from Delaware as to whether or not this matter should be considered by the proper committees. That was not the point.

I rose to say that I thought the expenditure of $25,000 was the best bargain I had heard since I had begun my service in the Senate, if we could stop the inroads and the incursions by the various branches of the Government which are improperly invading the functions that properly belong in Congress. This was the point in question.

The distinguished Senator from Louisiana made a point that this matter should properly be the business of this committee—as to whether or not this law should or should not be retained.

The distinguished Senator from Ohio has referred to competition, and I am pleased to say that, under certain circumstances, all the industry might wind up in the glorious State that I have the honor to represent—California. That is not the intent. To the contrary, we have industries in California now that farm out. One large corporation has subsidiary corporations in, I believe, 16 States. So that we would never be in the position of trying to control too much.

But it seems to me that the original question had to do merely with whether or not the Treasury Department arbitrarily, by ruling, had the right to supersede what properly belongs in Congress; and that, and that alone, was the essence of the amendment offered by the distinguished Senator from Oklahoma. This is as I understood it.

I am in complete agreement with the distinguished Senator from Ohio. I agree with the distinguished Senator from Louisiana. But it seems to me that we have gone far afield from the actual discussion of the amendment. The hour is late, and I do not wish to become further confused, because I want to make certain that I know exactly what I am voting for or against. At the moment, I was enthusiastically supporting the position of the Senator from Oklahoma. I believe that is all he intended, not a discussion of the propriety or impropriety of the entire practice.

Mr. LAUSCHE. I desire to be thoroughly objective and fair to the Senator from Oklahoma. The situation is that the Treasury Department made a ruling approving these tax exemptions. Subsequently, it changed the ruling.

Now, then, as I understand it, the argument of the Senator from Oklahoma is that he does not believe the ruling should be changed until Congress changes it.

Mr. MONRONEY. The Senator is eminently correct. The purpose of the amendment is to have the time to reach a decision, rather than to have a long-existing policy summarily changed on March 15. That is only 3 or 4 days from now. Most of us heard about it only last weekend.

Mr. LAUSCHE. I reaffirm what I said about the basic proposition.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. STENNIS. Mr. President, most Members of the Senate know that I represent a State that is highly agricultural in its economy. They know, of course, that a great deal of the agricultural labor, farm labor, has been displaced by machinery.

This edict fell just the other day, and declared that after March 15 these bonds would no longer have certain benefits.

My little home county, altogether rural, has just voted upon one of these industrial bond issues. They are trying to get located—and already have agreement to that effect—a new industry that will make farm machinery. The machinery will be sold within a radius of a few hundred miles. The people who will be employed are largely those who have been displaced on the farms.

Incidentally, we have been talking about appropriating large sums of money to stop riots. This county has, in round numbers, 1,300 colored people and 9,000 white people. This will benefit all of them. Just the other day they voted 2,300 to 25 in favor of the bond issue. That was on March 5. Now this edict comes out, without warning, without time to get ready, without time to prepare, without time to sell the bonds. It just means stop.

There is talk about subsidies and talk about fairness. This is a small unit of a rural State. It is not asking for a dime in a program of this type. It is trying to do something for itself and trying to do it itself. This is its instrumentality. It is about the only one we have left.

Certainly, in a sense of fairness, the great Treasury of the United States, with all its power, should give us a few days. We will sell those bonds on April 2.

It demonstrates the wisdom of letting these policies be changed by Congress rather than by someone who issues an order. Then we can take up the matter and decide it on the merits.

I plead with Senators for cases such as this, not just my own; and I imagine they are all over the Nation. Give them a little breathing time, and let us have the matter handled fairly and properly, whatever the conclusion is on the merits.

I thank the Senator from Oklahoma for making the issue and putting in this small amount of money, which will be our way to express ourselves.

Mr. LAUSCHE. May I ask the Senator from Mississippi, on the basis of a long-range program, except from the objective of trying to deal equally, while there is this uncertainty in the minds of the Treasury Department, does he feel that the granting of subsidies and tax exemptions by the various States to settle industry is sound?

Mr. STENNIS. It has come to be so much a part of the economy—apparently, in 40 of the States, as someone quoted—I know it is in my State—that we must have something along this line. I believe our State was the first to pass a law of this kind, and we followed it up. It has always been administered soundly. The late, great Gov. Hugh White inaugurated this program in the early thirties.

Mr. LAUSCHE. Does the Senator believes a competition in this field, to see which of the States can grant the greatest subsidy and the greatest tax exemption, will in the long range run to the interest of the Nation?

Mr. STENNIS. I believe it will strengthen it. It strengthened us very slowly. You have to go where the problem is and where the people are and where the unemployment is. Here is a local remedy, solely local, which will not cost the State of Mississippi or the local government a dime. It will just cost the people of that little county money if it is not a success.

Mr. HANSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Ohio has the floor.

Mr. LAUSCHE. I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the point I wish to make—and it has been made before, but I believe it deserves emphasis—is that this sort of ruling by the Treasury Department, which now is in jeopardy and which will shortly be reversed, on March 15, is not one that contemplates the stealing of industry by one State from another.

In the State of Wyoming, we are talking about small businesses, the generation of small businesses that without this sort of help cannot get started. We are talking about taking the ideas that young men may have that are sound, which require financing to implement. But, if these ideas are financed, they would give people jobs, produce goods, use resources, generate income and payrolls, and support families and government. This is the kind of activity we are talking about. I think that this kind of financing makes good sense, despite the fact that there may be no new tax revenue realized from property initially brought into existence by this route, that, if by bringing that operation into existence through the sale of revenue bonds, we are able to bring a lot of people onto the payroll and generate jobs. Then, I say any community in this country would be better off, and my guess is that is where 95 percent of this sort of business will come from, not by pirating industry from another State.

We had this sort of law on our books in Wyoming for a number of months, and we have not had General Motors, General Electric, or any big company say to us, "How much will you bid to us?" They have the financial capability to go where they wish to go and the decisions are not made on the basis of tax exemptions, but are made on other bases.

I say this legislation makes good sense because it will enable small corporations to get started—to employ people who are not employed or who are underemployed—and often times to use natural resources not being used.

I could cite chapter and verse in the State of Wyoming where we are bringing new businesses into existence. An example would be skiing. This amendment is not going to hurt that industry. It is going to help it because it may help bring more nearly into balance the balance of payments. If we can interest people in going to Wyoming instead of Europe, I suggest everybody will be ahead.

We must keep in mind that this may be part of the activity that will be generated under this sort of proposition and it will not take anything from anybody else. It will be putting people to work and using resources not being used. It will put people on the payroll, and thereby contribute in a most meaningful financial way to the U.S. Treasury to offset what little revenue would be lost.

Mr. LAUSCHE. Mr. President, I hope the Senator will pardon me for indulging in this discussion that deals individually with me. About 6 months ago I went to Lansing, Mich., to address a morning meeting. When the meeting was concluded I was taken to the airport by a man who was a member of the legislature back in 1952 while I was Governor. He said to me:

This will interest you. We hiddenly appointed a committee to study why industry was moving from Michigan into Ohio.

I was the Governor of Ohio at that time. Industry was moving out of Michigan into Ohio. They wanted to know why. Well, it moved into Ohio because we gave industry a square deal. We gave industry a square deal on the matter of tax burden, supplies of public services, supplies of healthy environment, and a guarantee that they would be given equality of treatment in the exercise of their rights as the possessors of an industry compared with the others which were competing there.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. GRIFFIN. Mr. President, I wish to ask the Senator, who was Governor of our State at that time?

Mr. LAUSCHE. If the Senator will pardon me, please do not ask that. [Laughter.]

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. LAUSCHE. I yield.

Mr. MURPHY. Mr. President, I wish to point out that the Senator from Ohio touched on the very basis of the whole question. You only do this where necessary. In a free enterprise system, you must exist on your own merits. I remember at one time in the State of Michigan where they were told if a then-Governor of Michigan, who shall be nameless, was reelected, the entire automobile industry was going to move to Ohio.

I congratulate the great Senator from Ohio, not only on his record as Governor of Ohio, but the great and astute manner in which he points out difficult problems in the Senate.

Mr. LAUSCHE. I thank the Senator. I yield the floor.

Mr. LONG of Louisiana. Mr. President, I do not believe the RECORD is adequate to reflect what this is about even though we have been discussing it for some time.

What has happened here is that the Treasury has given notice that the Treasury is considering changing its regulations. The regulation has not been changed.

The Treasury has given notice, as it would be required to do under the Administrative Procedure Act, that it is considering changing one of its regulations.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MONRONEY. It is my distinct understanding, and I have had no help from the Treasury although I have talked to several people, that this is effective, and I repeat, effective March 15. Is that true or not?

Mr. LONG of Louisiana. It is not completely true. I shall tell the Senator why. What the Treasury has announced is that it is considering a change of regulations. They are giving industry notice and industry is privileged to request hearings on this matter, when the Treasury actually sets for the regulations they propose and which they are considering.

Here is the text of the Treasury announcement:

TECHNICAL INFORMATION RELEASE 972, MARCH 6, 1968

The Treasury Department today announced that it is reconsidering its position on the tax exempt status, under section 103 of the Internal Revenue Code, of interest paid on so-called industrial development bonds.

Generally, the bonds are issued by a municipality or other political subdivision; however, the debtor, in reality, is the private corporation which will use the facility constructed with the proceeds of the bond issue.

The present position is set forth in Revenue Ruling 54–106, C.B. 1954–1, 28, Revenue Ruling 57–187, C.B. 1957–1, 65, and Revenue Ruling 63–20, C.B. 1963–1, 24.

On or about March 15, 1968, a proposed regulation concerning so-called industrial development bonds will be published in the Federal Register. Interested parties will be afforded an opportunity to submit written comments and a public hearing will he held.

The proposed regulations, when issued, will provide that such bonds will not be considered to be obligations of a State, a territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia within the meaning of section 103(a)(1) of the Internal Revenue Code.

These regulations will only apply to such bonds sold after March 15, 1968. In applying the March 15 effective date, bonds will be considered sold on the date on which a buyer or underwriter enters into a binding contract with the issuer to purchase the bonds at a fixed price.

Accordingly, the Internal Revenue Service will publish a Revenue Ruling revoking Revenue Rulings 54–106 and 57–187, effective with respect to so-called industrial development bonds sold after March 15, 1968. In ddition, it will appropriately modify Revenue Ruling 63–20 with respect to such bonds sold after March 15, 1968.

The principles contained in Revenue Rulings 54–106, 57–187 and 63–20 will apply to so-called industrial development bonds sold on or before March 15, 1968. However, these Revenue Rulings do not take into account the effect of provisions making the redemption of such bonds mandatory in the event that legislation is enacted, a regulation is promulgated, or a Revenue Ruling is issued affecting the tax exempt status of interest paid on such bonds.

The Revenue Service announced that it is now studying the effect of mandatory provisions of this general nature on the tax exempt status of interest paid on such bonds under section 103 of the Code and the Revenue Rulings thereunder.

The Revenue Service also announced today that it will no longer issue ruling letters with respect to so-called industrial development bonds. However, ruling requests received before the close of business on March 6, 1968, will be processed. Where such requests involve mandatory redemption provisions, favorable rulings will not be issued.

The regulation they suggested would provide that bonds sold after March 15 would be subject to taxation. However, there is nothing at all that binds the Treasury to stay with the date of March 15.

Some Senators may have had some occasion to debate the issue about swap funds, which turned the Senate upside down 2 years ago. In that case there was a change of Treasury regulations proposed that involved those who used swap funds. They found it to their advantage to use them because they received very favorable tax treatment for their diversification.

I was one of those Senators who stood on the floor of the Senate and argued that the date should be advanced beyond the date the Treasury Department suggested in their change of regulation. It was suggested on the floor of the Senate that I was practically a pirate because I was taking the side of the business people. It thought the Treasury was moving too precipitately against business people and they should have more time to adjust to Treasury regulations.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield in just a moment but first I wish to get the RECORD straight.

So what we are talking about here is a change of Treasury regulations. The change they are proposing, as they are considering it at this moment, would be to have a date of March 15 with regard to the sale of these industrial development bonds. So far they are at the stage where hearings will be suggested. Industry may request a hearing and they would get hearings, and every Member of Congress could contact the Treasury and tell them what they think the final regulation should be.

If the Treasury decides to change the proposed regulations there is nothing sacred about that date. They could make the date June 15 or August 15 if they should so decide.

Mr. MONRONEY. What they have done is to set March 15 as the date for the effective strangulation of the commerce in these bonds. They have shot down in midflight the property of hundreds if not thousands of municipalities which are marketing these bonds, by saying March 15 it changes, because of the regulation of the Treasury, as the Senator knows, of giving preclearance to tax exemptions for these bond issues.

If preclearance is not given, then the bond issue will not fly. Believe me. Everyone who has a bond issue knows that if we do not get preclearance from the

Treasury, we put a rope around the neck of industry and it will be successfully strangled. I tell the Senate that is tantamount to putting a big sign on the door of the First National Bank of X city, "This bank is closed." That is what we will have done, by allowing the unwarranted assumption of legislative power to be exercised by the Treasury Department. That is why I am asking for a strong vote of protest against this unusual, unnecessary, unwarranted, and, I think, illegal assumption of congressional power by the Treasury Department.

I have no objection to any of the individuals in the Treasury Department. I love them all. But I do think that someone there had better get wise to congressional relations and recognize that this is the legislative body, and that means the body that makes the laws, and they are an administrative body downtown, even though they are the Treasury Department, and they have no right to make the laws.

Mr. LONG of Louisiana. If I might pursue that point for a moment, the Senator keeps talking about this being the law, that we make the laws. That is true. The fact is, the only laws on this issue are under section 103 of the Internal Revenue Code. That section refers to State and local government bonds.

That was put on there to prevent a contest to see whether the Federal Government actually had the authority to place a tax on State and local government bonds—to prevent the contest from ever getting to the courts. But the Treasury, in pursuance of the statute, has a duty to interpret the law, and it issues regulations based on its interpretation of the law.

Now the Treasury Department is proposing to change its interpretation—an interpretation published in 1954. It feels that it made a mistake in that regulation. It thinks that it was in error, that it was wrong. Anyone who wants to contend that the regulation is right certainly has the right to say that such a regulation is required by section 103 of the Internal Revenue Code.

It is clear, and it has happened before many times, that just as we have power to make the laws and to change them, so do departments of the Government have the right to make regulations and to change them, unless the law clearly specifies that the answer must be one way or the other. In this case, Treasury contends they are within the rulemaking authority and they think they have been in error in the rules that they have pursued since 1954.

Keep in mind, Senators, that the Treasury is following the Administrative Procedure Act. When they propose to make a regulation or to change one, they must give due notice and give industry a chance to testify, and then announce what the new final regulation would be. If it were to be changed, it would seem that it should be changed as part of Congress passing a tax law and not just passing an appropriation putting additional money somewhere.

The Senator has applauded the Securities and Exchange Commission because they are in the process of proposing a change of their regulations. The Securities and Exchange Commission is proposing to revise its regulations to require corporations with respect to whom industrial bonds are issued to register them. If they are true State and local bonds, and are not a form of corporate finance, they cannot be required to register under the Securities and Exchange Commission law.

The Senator has applauded the Securities and Exchange Commission, which is proposing to change its regulations. If the SEC is right, and the Senator has applauded them and is suggesting that they are right, then the exemption falls, anyway.

Mr. MORTON. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. The Senator from Louisiana is correct in the facts as he has stated them—there is no question about that—as he always is. But the Senator from Oklahoma makes the point, which I think is a valid one, that by saying March 15, by even implying March 15—even though, as the Senator says, it would be August 15 and there will be a hearing, regulations can be changed, or we can let it stand, as it will—the market for the bonds is dried up and will dry up completely because the underwriters will look at the March 15 figure, regardless of the debate which has developed here on the floor. That is the point the Senator from Oklahoma has made. I think that most of us in the 40 States who use this method, whether right or wrong, find ourselves caught in a position with a lot of business pending with certain anticipations to give employment. "Church is out," frankly.

Mr. LONG of Louisiana. The Treasury Department has to put some date on its proposed regulation, to try to restrain those who would come charging in in a great flood of applications to get under the wire, if it named some date perhaps 3 or 4 months in the future. The Senator is aware, from his experience on the tax-writing committee, that when the Treasury yields on these matters, the first matters it yields to are usually those who had something in the pipeline at the time they issued the proposed ruling. That is how it was in regard to the swap funds and on other occasions. They yielded usually to people who acted in good faith, such as the Senator from Mississippi referred to.

Mr. MORTON. I agree with the Senator on that, that this is absolutely true. But as the Senator well knows, the bond market is tight now.

This morning, I read in the Wall Street Journal that plant expansion for 1968 would be 5.8 percent over 1967, that 1967 was only 1.6 percent over 1966. We are in a tight credit squeeze in this country. So that this is just another added difficulty to the small communities which the Senator has been describing so eloquently, as well as the Senator from Wyoming, the Senator from Mississippi, and others.

The thing that troubles me is that this March 15 date, regardless of the fact that what the Senator from Louisiana says is absolutely right, and he has given an accurate picture of the situation, means that the market will dry up for this, anyway, and it will be assumed that it will be March 15 or at least they will wait until determination is made, and meanwhile everything will come to a standstill. That is what is troubling me.

Mr. LONG of Louisiana. It seems to me that if we are changing policy, we should seek to change it in a revenue bill, a tax bill, which this is not—a bill that would be effective in telling the Treasury that the regulation should be changed in this fashion. The Senate should do it that way—rather than simply to appropriate another $25,000 to indicate that some people have some doubts and do not like what the Treasury is proposing to do.

Mr. MORTON. The March 15 date will stop everything, right now, I will tell the Senator that.

Mr. LONG of Louisiana. We will have that excise tax bill on the floor before March 15. That is a big bill. The President almost has to sign that.

Mr. MORTON. March 15?

Mr. LONG of Louisiana. March 15; that is correct.

We are conducting a hearing tomorrow morning. I have no reason to think that the hearing will take more than 1 day. Only one witness has asked to testify. That is a $4 billion bill. Only one witness has asked to testify.

Mr. BROOKE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. BROOKE. I think the Senator from Louisiana will agree that the reasons given by the distinguished Senator from Oklahoma are valid and persuasive. As I understand the thrust of his argument, we are trying to protest action on the part of the Treasury Department. If that is what the Senator intends by his amendment—and I think that is what he has said—I do not see why we would have to protest to the tune of $25,000. Can we not protest to the tune of $1, saying there is no action intended by this amendment? We cannot direct the Treasury at this time unless we take action, and this amendment will not be action by the Senate, as brought out by the Senator from Louisiana.

So my question is directed to the Senator from Oklahoma: Can we not reduce this $25,000 protest?

Mr. MONRONEY. Mr. President, if the Senator from Louisiana will yield—no; this is a realistic amendment. I have been a member of the Appropriations Committee and I have been forced to use a guesstimate as to what I think would be a reasonable amount to continue the preclearance of applications for tax-exempt municipal, county, or State bonds. In the event the Secretary of the Treasury would proceed, as the discussion here has revealed many Members wish him to do, we would have a realistic figure, and not a phony figure.

This is a businesslike amendment to make funds available for the time between when the distinguished Senator's Finance Committee can bring the matter to the floor, after proper hearings, and the time when the Treasury Department could do something about it. This would be an amount sufficient to carry on this work. That is the purpose of the $25,000.

I first had it $10,000. When I discussed it with the staff of the Appropriations Committee and realized it was not sufficient, we made the amount $25,000 to finance the operation. If that amount were not necessary to carry on this work, they would not use it. But I intend to show a protest, and, in light of the debate, I think it is worth a $25,000 protest, and not a two-bit or a $1 protest.

Mr. BROOKE. My question is, Have we not gotten a $25,000 protest already? We have been debating it here for an hour and a half. I wondered if the Senator had arrived at the figure—I will not say arbitrarily, but I wondered how he had arrived at the $25,000 figure.

Mr. MONRONEY. I believe it is a realistic figure.

Mr. LONG of Louisiana. Mr. President, permit me to say the Treasury of the United States feels that the regulation it has should be changed. If the Treasury serves notice it wants to change the regulation, it seems to me that we should not seek to vote something through that would not have the effect of law, but would bring pressure on someone to decide a matter against his own convictions.

It seems to me the appropriate way to do it is to proceed to seek an amendment to any one of the tax bills and give some of us who have some responsibility in connection with that subject adequate notice, so it can be appropriately debated and offered, and so we can make available to the Senate information which is available to us and also to be informed by the other side.

Mr. MONTOYA. Mr. President, will the Senator yield briefly?

Mr. LONG of Louisiana. I yield.

Mr. MONTOYA. I have been listening to the Senator from Louisiana state the genesis of this particular law, and that it arose by virtue of the section he quoted, and the Internal Revenue Code which empowered the Treasury to exempt municipal, State, and local bonds. Under that section, the Senator stated, the Treasury was under a misapprehension that it could apply to industrial revenue bonds, and the Treasury has now come to the conclusion that the exemption does not apply, and that it contemplates changing the regulation so as to clarify that point.

Is that correct?

Mr. LONG of Louisiana. Yes.

Mr. MONTOYA. It is also my understanding that in any regulation that might be promulgated, grandfather rights of exemption will be granted with respect to those bonds that are already on the market.

Mr. LONG of Louisiana. Yes; those sold prior to March 15.

Mr. MONTOYA. The point I want to make is that if the Treasury did not have the right originally under the law, how can the Treasury by regulation grant grandfather rights of exemption?

Mr. LONG of Louisiana. We have delegated to the Treasury the right to determine the extent to which regulations shall be applied retroactively, and this suggested regulation would be prospective from the date the proposed change was announced.

Mr. MONTOYA. Yes; but any regulatory power that the Treasury might have must be pursuant to a definitive standard set in the law, and there is no such definitive standard set in the law to grant grandfather exemption for bonds that have been issued and to remove the exemption from bonds that may be sold in the future.

Mr. LONG of Louisiana. Section 7805 of the Internal Revenue Code does give the Secretary authority to make regulations, and the regulations which he has applied up to this point are in pursuance of regulations adopted under that authority. He has the right not only to make regulations, but to change regulations. When he changes them he must give notice under the Administrative Procedure Act and give people an opportunity to be heard. When he makes a regulation and subsequently changes that regulation, those who were the beneficiaries of the prior regulation are not prejudiced unless he seeks to prejudice them by the change for the future.

Mr. MONTOYA. The point I want to make with the Senator from Louisiana is that if the Treasury has the power, by regulation, to provide an exemption on bonds that will be sold in the future, then, perforce, the Treasury also has power to grant exemption on bonds sold in the past, and therefore the power to grant exemption on bonds sold both in the past and in the future is within the purview of the existing law.

Mr. LONG of Louisiana. Yes; that is right.

Mr. MONTOYA. Another point I want to make with the Senator from Louisiana and the Members of the Senate is this: We just had some municipal elections in New Mexico in which bond issues were approved, and the notice of the regulation, or the notice of the intended action, appeared in the newspapers the day after the elections. It has been quite a shock to many municipalities in New Mexico. I doubt that New Mexico can sell those bonds, even though they have been authorized by the people, because the contemplated action, as it appeared in the newspapers, leads us to believe that the regulation will become effective on March 15. It is for this reason, and because of the lack of time to attack this matter frontally, that I would heartily approve of the expression which is represented by the amendment offered by the Senator from Oklahoma.

Mr. LONG of Louisiana. Perhaps the Senator was here when I explained that there is nothing sacrosanct about that March 15 date. If the Treasury, after considering this matter, should decide it ought to move that date forward, it can. When changes are made in regulations, those that seem to be consistently taken care of are those whose applications are in the pipeline.

The Secretary will be before the Committee on Finance tomorrow, and the matter can be brought up then.

Mr. BYRD of West Virginia. Mr. President, I wish to express support for the committee amendment which added $75 million to be used in providing jobs for disadvantaged youths. I offered this amendment in committee and it was cosponsored by my colleague from West Virginia, Senator RANDOLPH. Senator JAVITS and Senator YARBOROUGH offered a substitute which would have added $150 million, but the substitute was rejected. Senator JAVITS and Senator YARBOROUGH then also joined in cosponsoring the amendment which I offered.

The $75 million would be allocated to experimental and demonstration programs under title I of the Manpower and Development Training Act.

In July 1968, it is expected that some 13.4 million youth, ages 16 to 21, will be in the Nation's work force. Overall unemployment among these youth will likely be between 11 and 12 percent, numbering 1.5 million unemployed youth nationwide in July. Among disadvantaged youth, the rate will be much higher, ranging between 20 and 30 percent. The $75 million which we propose will provide needed and constructive dimensions to the summer youth program and can materially reduce the unemployment rate among our urban and rural youth.

The potential needs of our youngsters for introduction to the world of work, for training, work experience, and jobs have been anticipated by many persons inside and outside the Government. Program proposals for this summer are beginning to be presented to the administration for funding, but available funds are running short and uncertainty is building as to whether or not there will be jobs and training programs this summer for disadvantaged youth.

These funds will support innovative programs for youth self-help and leadership development which first, draw on youth leadership to organize and direct youth work; and, second, engage unemployed youth in organized community and human service activities. Specific types of activities may include operating day camp and group recreation and cultural programs; youth tutoring; community conservation through conversion of vacant lots to useable playgrounds and community cleanup and rodent control; teen employment centers; and other youth enterprises.

These funds, furthermore, will encourage the executive branch to jointly finance with private industry summer employment programs which will serve as a springboard for year-round employment in private enterprise, to experiment more widely, and to supplement work experience with counseling, tutoring, general occupational orientation and other activities which encourage youth development beyond that afforded by time at work itself.

The summer school vacation period offers distinctive advantages for short-term programing with long-term results. Emphasis will be placed on developing models for future summer programs. Program areas of concern for such projects include those I have mentioned above, such as youth self-help and leadership development, as well as first, utilization of unused public school facilities for developing the educational and vocational potential of youth; second, urban orientation for rural youth; and, third, special counseling and cultural programs for youth life skills development and world-of-work orientation.

These summer youth programs are designed not just to avoid enforced idleness, but to provide youth with the satisfaction of paid work experience, realistic

preparation for future work, willingness to return to school and think in terms of work careers, and the opportunity to make a constructive contribution to the community.

We have unanimity on all sides—from mayors and other elected officials, neighborhood organizations, private agencies, local agencies, and the like—that the summer work experience programs for youth are a valuable and vital supplement to more traditional school year programs. Most cities and towns have started planning now to broaden the range of constructive youth activities and programs which will be available this summer, once the schools have closed. These funds will assist our localities in this vital effort.

Moreover, in view of the special efforts now being made by the newly formed National Alliance of Businessmen, under the chairmanship of Henry Ford II, to promote summer job programs for needy youth, many summer program proposals will be received with creative strategies for, first, employment and training of youth from poverty areas of the central cities, and, second, making an immediate and positive "impact" in these areas. The Federal Government should have sufficient resources to cooperate with American business and the private sector to meet more fully the employment needs of our youth this summer.

As I stated previously, individuals at the Federal, State, and local levels have been striving to assure that summer youth programs will be productive for both the youngsters participating in them and for the sponsors developing and undertaking them. Now the task is not only to provide additional financial resources, but also to provide them early in the year so that sponsors can proceed with their plans on the specific knowledge that the moneys will definitely be available by late spring. These many undertakings must move from the proposal stage to the programing stage on schedule, so that good programs will be waiting for the youngster at the end of the school term.

An argument can be made that $75 million is not enough. Perhaps such is the case, and it is difficult to measure the exact amount of additional funds which would be just right to achieve our goals. But this I do know—$75 million will provide additional experimental and demonstration programs which are sorely needed and which can be well administered within existing staff capability.

Mr. TYDINGS. Mr. President, last summer Neighborhood Youth Corps and similar programs were used for many interesting efforts that served both the youth and the community. I should like to ask the Senator from West Virginia [Mr. BYRD] some questions in this regard.

Is it the intent of the committee that the supplemental appropriation would cover projects enhancing the beautification of our cities, towns, and highways, with particular emphasis on the elimination of auto salvage and junkyard eyesores?

Mr. BYRD of West Virginia. I should think so, based on past experience with the Neighborhood Youth Corps programs. As to the auto salvage and junkyard items, I cannot answer without reservation. As to projects enhancing the beautification of cities, towns, and highways, it is my impression that NYC programs have been utilized in this way, and, inasmuch as this money is to be spent on Neighborhood Youth Corps type programs, I should think it could be applied in this way. It would also appear to me that the elimination of junkyards would provide beneficial employment to disadvantaged youths during the summer, and I have a strong feeling that the Department of Labor would approve the use of these moneys for that purpose in some situations.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from West Virginia whether or not funds contained in the $75 million appropriation could be used to staff neighborhood centers located in neighborhoods with a large portion of disadvantaged residents.

Mr. BYRD of West Virginia. It would appear to me that this would not come within the intent of the committee in providing the appropriation.

Mr. TYDINGS. Would the Senate explain whether or not the money could be used in work experience programs which will encourage youths, who might otherwise be dropouts, to return to school?

Mr. BYRD of West Virginia. Definitely yes.

Mr. TYDINGS. Could the money be used to provide meaningful jobs which would encourage disadvantaged youth to seek new career possibilities in such fields as recreation—working in parks, playgrounds; health—hospitals, medical clinics; government—municipal and State government facilities; education—schools, school administration facilities; as well as business—clerical, operating office machines, providing services in government and nonprofit organizations?

Mr. BYRD of West Virginia. The answer is "Yes," except perhaps with reference to business and noprofit organizations.

Mr. TYDINGS. Could the money be used in projects that youths themselves can manage and run, developing a sense of responsibility and pride in what they do?

Mr. BYRD of West Virginia. I should think that this would depend upon the type of project. It would require an evaluation by the Labor Department of the benefits to be derived by the youths and with regard to whether the project lends itself to such management and administration by youths. I am sure the committee did not intend that youths be asked to manage projects in which they would be inefficient or which would result in a waste of the taxpayers' moneys. In answer to your question, this would require a considered evaluation and judgment by the Labor Department. The committee, I am sure, would not want to see these moneys utilized in loosely administered projects just in order to put money in the pockets of disadvantaged youths. The object is to spend the money in a way that will benefit the disadvantaged youths and encourage them to try to lift themselves up and improve their own future prospects for training, education, and employment, while, at the same time, bringing about services to the communities and the taxpayers in return for the expenditures of funds.

Mr. TYDINGS. I thank the Senator for answering the questions.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LONG of Louisiana. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names:

[No. 53 Leg.]

Allott	Hayden	Morton
Baker	Hill	Murphy
Bartlett	Holland	Pearson
Bennett	Hollings	Prouty
Boggs	Hruska	Proxmire
Brooke	Inouye	Randolph
Burdick	Javits	Smith
Byrd, Va.	Jordan, N.C.	Spong
Byrd, W. Va.	Jordan, Idaho	Stennis
Cannon	Long, Mo.	Talmadge
Cotton	Long, La.	Tower
Curtis	Magnuson	Tydings
Dirksen	Mansfield	Williams, Del.
Dominick	McClellan	Yarborough
Ellender	McGee	Young, N. Dak.
Hansen	Monroney	Young, Ohio
Hart	Montoya	

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Aiken	Fannin	McGovern
Anderson	Fong	Miller
Bayh	Griffin	Moss
Bible	Gruening	Mundt
Brewster	Hartke	Nelson
Case	Hatfield	Percy
Church	Hickenlooper	Scott
Clark	Jackson	Sparkman
Dodd	Kennedy, Mass.	Symington
Eastland	Kennedy, N.Y.	Williams, N.J.
Ervin	Lausche	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the junior Senator from Connecticut [Mr. RIBICOFF]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from New Hampshire [Mr. MCINTYRE], the Senator

from Montana [Mr. METCALF], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Georgia [Mr. RUSSELL], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I also announce that the Senator from Oklahoma [Mr. HARRIS] is absent because of an illness in his family.

I further announce that the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. MONDALE], and the Senator from Rhode Island [Mr. PELL] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from California [Mr. KUCHEL] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] and the Senator from Kentucky [Mr. COOPER] are detained on official business.

If present and voting, the Senator from Kentucky [Mr. COOPER] would vote "yea."

The result was announced—yeas 38, nays 42, as follows:

[No. 54 Leg.]

YEAS—38

Anderson	Hansen	Montoya
Baker	Hartke	Morton
Bayh	Hayden	Murphy
Bible	Hickenlooper	Prouty
Brewster	Hill	Sparkman
Burdick	Holland	Stennis
Cotton	Hruska	Symington
Curtis	Inouye	Talmadge
Dodd	Long, Mo.	Tower
Eastland	Magnuson	Williams, N.J.
Fong	McGee	Young, N. Dak.
Griffin	Miller	Young, Ohio
Gruening	Monroney	

NAYS—42

Aiken	Ervin	McClellan
Allott	Fannin	McGovern
Bartlett	Hart	Mundt
Bennett	Hatfield	Nelson
Boggs	Hollings	Pearson
Brooke	Jackson	Percy
Byrd, Va.	Javits	Proxmire
Cannon	Jordan, N.C.	Randolph
Case	Jordan, Idaho	Scott
Church	Kennedy, Mass.	Smith
Clark	Kennedy, N.Y.	Spong
Dirksen	Lausche	Tydings
Dominick	Long, La.	Williams, Del.
Ellender	Mansfield	Yarborough

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Byrd of West Virginia, for.

NOT VOTING—19

Carlson	McIntyre	Pell
Cooper	Metcalf	Ribicoff
Fulbright	Mondale	Russell
Gore	Morse	Smathers
Harris	Moss	Thurmond
Kuchel	Muskie	
McCarthy	Pastore	

So Mr. MONRONEY'S amendment was rejected.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PROXMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15399) was read the third time and passed.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HILL. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. HAYDEN, Mr. RUSSELL, Mr. ELLENDER, Mr. HOLLAND, Mr. BYRD of West Virginia, Mr. MUNDT, Mr. YOUNG of North Dakota, and Mr. JAVITS.

Mr. MANSFIELD. Mr. President, the Senate's swift disposition of the urgent supplemental appropriations bill may be attributed in large measure to the outstanding efforts of the senior Senator from Alabama [Mr. HILL]. His great talents and energy have again been applied with the utmost skill to an appropriations measure; in this instance, one that gives significant assistance to the affected agencies including the Departments of Labor and Health, Education, and Welfare.

I personally wish to thank Senator HILL for filling in so capably for the senior Senator from Rhode Island [Mr. PASTORE] who heads the Subcommittee on Deficiencies and Supplementals but who was unable to perform the task at this time.

Joining Senator HILL to assure this great success was the senior Senator from Florida [Mr. HOLLAND], and he, along with the ranking minority member of the subcommittee, Mr. MUNDT, are to be commended for adding to the discussion their highly analytical and thoughtful advices. Our thanks also go to the senior Senator from Pennsylvania [Mr. CLARK] for offering and effectively urging an amendment that assured an improved and extended Headstart program—one of the most widely supported programs of the war on poverty.

The Senator from Delaware [Mr. WILLIAMS] added his views to the discussion with the same degree of clarity and sincerity always noted in his contributions; and, even though the Senate did not approve his request to reduce the appropriation, we appreciate his splendid cooperation in assuring final passage of the bill today.

Other Senators on both sides of the aisle also deserve our commendation. Notable were the efforts of the Senator from Oklahoma [Mr. MONRONEY], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Colorado [Mr. ALLOTT].

Finally, the Senate may be proud of another fine achievement, one attained with the utmost efficiency and with full consideration for the views of every Member.

PRIVILEGE OF THE FLOOR FOR ATTACHÉS

Mr. COTTON. Mr. President, I am completing my 14th year as a Member of this body, and I believe that my record will show that during that time I have rarely spoken in a partisan manner, that I have tried to cooperate with the leadership on both sides, and that I hold in affectionate regard all the Members of the Senate, on both sides of the aisle. As a matter of fact, I love Democrats. I married one 40 years ago, and the national debt got beyond $300 billion before I got her registered right in New Hampshire.

But, Mr. President, recently the majority, the vast majority, because they are an overwhelming majority, in caucus or in policy—I do not know the internal machinery—laid down some rather stringent rules for the Senate. Apparently, one of those rules was that no Senator could have a member of his staff on the floor of the Senate without first obtaining unanimous consent, and that consent apparently does not hold over and applies only to the vote on a pending measure.

It is necessary for Senators to know and have specific information about what is going on in the Senate—information from their own point of view and from their own situation, as regards the State they represent and their constituents. Senators cannot always be present.

This afternoon, for instance, I had to be off the floor of the Senate. I had obtained unanimous consent to have a member of my staff on the floor during the debate on civil rights, and I did not know that that consent did not carry over, so my assistant was denied access to the floor, which is in accordance with the arrangement.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COTTON. I should like to finish describing what my trouble was, and then I shall yield.

The result was that the Senator from New Hampshire was able to get to the floor just as the voting ceased on the amendment of the Senator from Pennsylvania. I came on the floor and came to my desk. All Senators who were standing and voting had been recognized. My name was called. I was recognized to vote. I whispered to a neighboring Senator asking what appropriation the vote was on—we have been voting a great deal lately—I was told that this was a motion to increase the supplemental appropriation, and therefore I voted "nay." Had I known that it was a motion to increase the appropriation for the Headstart program, I certainly would have voted "yea."

I believe that this is one of the best programs we have, and I have consistently and publicly avowed my support of it in my own State. So I was in the position of casting a vote, through ignorance, absolutely contrary to what my desires would have been.

Now, every Senator is responsible—ignorance is no excuse—to know what is going on. But he is a little handicapped if in his absence he cannot have a representative on the floor.

I should like to make one or two quick

observations. I can recognize the purpose of this rule. It is true that in many instances attachés have lined the walls of the Chamber and there has been disorder. And since they have not been allowed in, the appearance of the Senate to those in the galleries, I believe, has been much more quiet and dignified.

But, in many instances, I have noted in my years here that Senators would get up, wail, and gnash teeth about attachés and clearing the floor, when as a matter of fact the attachés were standing in dead silence and all the noise was by the Senator themselves. I think there should be some middle ground in the situation because the minority, and not only the minority but an individual Senator, has some rights. In the frame of mind I am in now, after having inadvertently been forced into a situation of voting without sufficient knowledge—which is unforgivable in the Senate—the next time they send word from the floor to ask me to come to the Committee on Appropriations to make up a quorum, here is one Senator who will not go. When somebody wants unanimous consent for a committee to be in session, here is one Senator who will object.

I think it is proper for anyone charged with responsibility as a Member of this body, with all the matters we have before us, and all the things we have to do to have at least one member of our staff present. It should be in our power to have one person present—and I do not think it should be more than one person at a time, but one person—when we feel we need a person here from our staff.

I yield.

Mr. MANSFIELD. The Senator raised a question which has a great deal of merit and which deserves the serious consideration he has given it.

But as I understand the situation the Senator's assistant could have been on the floor. The only thing is that when a motion is made to clear the Chamber because of too many persons being here, it is then up to the individual Senator, I believe, to make an individual request for an assistant to remain on hand. As I interpret the order there is nothing or should have been nothing to prevent the Senator's assistant from being on hand to advise the Senator accordingly.

Mr. COTTON. Was the motion made to clear the floor?

Mr. MANSFIELD. No.

Mr. COTTON. Under the appropriation bill?

Mr. MANSFIELD. I was not here, but I do not recall it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. Mr. President, following the disposition of the civil rights bill, I asked unanimous consent that the floor be cleared of all staff personnel other than authorized personnel. What I had in mind was personnel who would be needed on the floor in connection with the appropriations bill, meaning, of course, appropriations staff members.

I also indicated when I made the request that any Senator who wished to have someone on the floor could make his own unanimous-consent request. I asked at that time that all previous unanimous-consent requests be vacated because during the civil rights debate several Senators had made such requests and at one point—and I think it was on Friday of last week—I believe there were 61 attachés on the floor and 40 Senators on the floor. I felt it necessary to vacate all of those unanimous-consent requests because obviously those staff aides who were here in connection with the civil rights bill would not necessarily be needed in connection with the appropriation bill. It was perfectly clear, I thought in my request, that any Senator who wished to have an aide in connection with the appropriation bill could simply make the unanimous-consent request.

Mr. LONG of Louisiana and Mr. CURTIS addressed the Chair.

Mr. COTTON. Mr. President, this Senator was not present and did not know that fact. Perhaps it was unjustified but I presumed that the unanimous-consent request I made during the civil rights debate was still in effect.

I yield to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator for yielding. I do not think it is fair to a Senator to impose on him the necessity of daily or periodically asking unanimous consent to have a staff member here. Staff members are needed and should be allowed to enter.

The point that one time in the debate there were more staff members here than Senators probably indicated the need for staff members to be here.

I would observe this. By choice I have elected to keep a seat in the back row of the Senate. I have never been disturbed by staff members lining the walls or sitting back here. I think I have been in a position to observe their demeanor and to hear any noise they make.

I do not believe any case has been made for the public business being disrupted by staff members allowed on the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield there?

Mr. CURTIS. I believe that I can speak objectively on that. I am not involved. I do not keep a staff member on this floor. It is on rare occasions that I have a staff member come to the Chamber for a few brief moments.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. MANSFIELD. I must disagree with the distinguished Senator from Nebraska. I have seen attachés—and I have none of my own Montana assistants over here—line this Chamber and talk so loud you could not hear what was going on.

The distinguished Senator from New Hampshire and I served in the House of Representatives, as did the Senator from West Virginia. Over there they do not allow assistants on the floor. The Congressman is the Congressman. Over here, too many times the assistants appear to be the Senator, walking up and down the aisles. I have had to go to Senators and ask them to keep their assistants in place. They would be on this side, and that side, and walking up and down. I think there should be decorum and dignity in this body and it is up to us to maintain it.

Mr. CURTIS. Mr. President, I would like to point out that the House of Representatives has limited debate, that they have 435 Members to man the same number of committees that the Senate must man with 100 Members; that the possibility of the Representative being present during the limited hours the House of Representatives is in session is not comparable at all with the situation in the Senate, and I want the RECORD clear.

I have not stated that attachés did not disturb somebody else. I said I had my choice to elect a seat in the back row, which I have had here a number of years, and I have never been disturbed. I thought in fairness to the Senator from New Hampshire I wanted that in the RECORD, because it is acaemic to me.

Mr. MANSFIELD. I appreciate that, but may I say this briefly?

Mr. COTTON. On that point, I agree thoroughly that the permission to have staff members on the floor has been abused. I think we have had too many staff members on the floor at times. I also agree unquestionably that the decision that was made was made sincerely in the interest of the dignity and decorum of proceedings in the Senate. I agree to that, but over in the House of Representatives, under the rules, a Member knows pretty well that there is a time when amendments are being offered, debate is limited and when they are voting on it.

Every Senator within the sound of my voice knows very well that you can come over here to the Senate—and I am not criticizing—and sit here all day long expecting to have a vote on an amendment.

Mr. MANSFIELD. We have just proved that.

Mr. COTTON. And after sitting here for 4 or 5 hours, a Senator can start back to his office, get halfway there and the vote comes. That cannot be helped.

The distinguished majority leader and I will never have any misunderstanding because no one respects him more than I. No one has been the beneficiary of more courtesies from him than I. But when he says that over in the House of Representatives a Congressman has to be a Congressman, he implies that over here a Senator is not a Senator unless he is here and is never caught away from his seat when an unexpected vote finally comes, after hours and hours and hours and hours. It is humanly impossible, with present requirements, to be right here on the floor of the Senate, and never caught napping on any amendment. No Senator, who ever served on the floor of the Senate—and we have had some mighty Senators—could ever comply with those requirements. It is impossible to do so.

The whole point is that a Senator, if he is not on the floor, must make some provision so that he knows what is going on and can come into the Chamber at the right time and vote intelligently.

Perhaps that might not happen very often, and the Senator from New Hamp-

shire is unduly irritated at this moment because, through no fault of his own, he found himself in the position of casting a vote against a motion which he would have voted for if he had had the opportunity to know exactly what the vote was on.

Mr. MANSFIELD. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. MANSFIELD. The Senator has a right to be irritated because he has indicated many times, as I recall personally, his great interest in this particular program. But he misinterprets me, or I misspeak myself if he thinks that what I meant was that a Senator should be at his desk in this Chamber all the time in order to be a Senator. I do not mean that. The trouble is that in the summer this Chamber is lined up with interns. They are not at work in Senator's offices. A Senator sends them over here, and they are all over the place. I like a little leeway, myself. I like a little room. I like a little freedom. I like to go out into the lobby and look at the ticker and read the news, but I sometimes have to wait until the attachés get out of the way. I think we should do these things in our own best interests. I think that is in the tradition of the Senate that we do so with, of course, exceptions and on occasion when bills are considered. I am sure that, in that respect, the distinguished Senator from New Hampshire would agree with me completely.

Mr. COTTON. I agree with what the Senator is saying. I sympathize with his reasons. I do not suppose that there is any rule that can ever be made, or ever enforced, that does not occasionally work a hardship upon someone. But it did seem to me that it was placing an undue burden upon a Senator to enforce the rule as rigidly as this one was.

I do not think any Senator should ever have the privilege of having more than one person from his office in this Chamber at any time. I do not expect to have the rules of the Senate or the will of the majority tipped over just because I do not happen to like them. I will merely content myself by saying, for the purpose of the RECORD, that inadvertently I found myself casting a vote which I never would have cast, if I had had even 2 minutes' time.

Of course, another thing that has been done is to prevent a delay of the rollcall. I think that is a good thing. I certainly commend the leadership for that, because, if anything ever made the Senate look simple, it is to have Senator after Senator get up and address the Chair to ask how he has been recorded. I think that is an improvement. But, on the other hand, it also shortens the time that Senators have to get to the Chamber, and to get informed as to amendments—when they are coming thick and fast—which have been offered and have time to vote upon them.

Today, I just happened to have been a victim of these circumstances.

Mr. LONG of Louisiana. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. LONG of Louisiana. I have much sympathy for what the Senator has just stated. It seems to me that in the trial-and-error process of maintaining more dignity and more quiet in this Chamber, and with less confusion, it would be well if we could modify the procedure which has been used twice now so that one need not have to obtain recognition of the Chair in order to bring someone into the Chamber. I am reluctant to interrupt a Senator when I find that I need someone to advise me on a tax bill—as I did today—and that I must ask unanimous consent that he have the privilege of the floor, to advise me and provide any technical information I might need. I would hope that perhaps procedures may be modified so that when a request is made it would simply say that no one shall be permitted other than certain persons, unless specifically authorized by the Secretary of the Senate or the Sergeant at Arms, or some particular person designated, so that it would not be necsary to obtain recognition and get consent of the Chair.

If a Senator has a problem, he could simply call the Sargeant at Arms or the Secretary of the Senate and request that his administrative assistant or some particular member of his staff be permitted the privilege of the floor so that they could keep a Senator informed while he is serving elsewhere. I believe that with some trial and error perhaps we could work this out so that we could work out a thing or two, so that the objective of those who want less interference and less disturbance in the Senate Chamber could be accommodated, at the same time meeting the problem to which the Senator from New Hampshire has referred.

Let me say that I have great sympathy for the viewpoint of the Senator from New Hampshire, and I believe that he has performed a valuable service to the Senate by expressing it.

Mr. BYRD of West Virginia. Mr. President, will the Senate from New Hampshire yield?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. I invite attention to the staff gallery which is just behind where the Senator from New Hampshire is standing. In that staff gallery are 70 seats. That staff gallery is set aside for staff aides of Senators. Any of us who wish to have a member of our staff monitor the procedure can have that staff member sit in the staff gallery.

Then, upon coming to the floor, we can, if we wish, call the staff member down and meet him outside. This I did today, twice. I met my staff members outside. This unanimous-consent request which I asked for, and which was granted, applied to me, as it does to everyone else. Twice, staff members have sent in a note to me saying that they could not get in and that they wanted to see me. I went outside to see them. I was glad that they could not get in, which showed that the Sergeant at Arms was carrying out the directive. But staff members can sit in the staff gallery. Thus, I can meet them any time. So can any other Senator.

I feel that if we are going to have a rule, we must enforce that rule. I have been very sorry to see—upon so many occasions—staff aides in this Chamber outnumbering the Senators. Actually, when we had a full attendance of Senators, I have seen more aides in this Chamber than 100 Senators. I have seen them coming down the aisles. One day I remember I had to ask one to move away—I think he was standing in the well. Last Friday, I believe, I had to ask an attaché to move away from the door so that I could get out. Sometimes,they stand in front of the door. I have watched the main door there, to see if they have been advising Senators when they come in that door.

I think we have to apply the rules. If Senators would be meticulous in seeing to it that their aides do not come to the floor and stand in the way of Senators, that they are permitted to come into the Chamber only when absolutely needed, I do not think we would have to have this rule.

I feel that a Senator should be just that meticulous——

Mr. COTTON. May I interrupt the Senator for one moment at that point?

Mr. BYRD of West Virginia. Of course.

Mr. COTTON. This business of the staff gallery is all very well, except I do not want my staff sitting up there when they should be in the office working. But in the particular circumstance which I face today I am frankly caused a great deal of embarrassment, because it was only last week that I made a speech in New Hampshire in which I pointed out that the Headstart program was one program I always supported, and I have supported it for years.

I had just 2 minutes, or less than 2 minutes, coming from the New Senate Office Building, and delayed on the way over, to walk in that door, get here, and vote. I could not very well climb up there in the gallery and get some information from a member of my staff who happened to be there.

Mr. BYRD of West Virginia. Mr. President, on some occasions a Senator would have to be a clairvoyant to read the staff members' mind, because he would not be able to see him among those stacked around the walls.

Mr. COTTON. Mr. President, I do not want to make a Federal case out of this, but I did want to call it to the attention of the leadership. I wanted to state clearly for the RECORD my position on this vote this afternoon. I thank the majority leader for his courtesy.

Mr. BYRD of West Virginia. Mr. President, if I may say one word further, the Senator will never have an objection interposed by me if he wishes to ask unanimous consent to have a member of his staff on the floor.

Mr. MANSFIELD. Mr. President, we will see what we can do to straighten this out so that an incident such as took place today will not happen again.

LIBERALIZATION OF PAYMENT OF PENSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn

to the consideration of Calendar No. 990, H.R. 12555.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (H.R. 12555) to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG of Louisiana. Mr. President, it is with a great deal of pleasure that I call up a veterans' bill, H.R. 12555, which provides long-range protection for VA beneficiaries whose monthly benefits are income related.

The bill achieves its objective in three ways: First, by establishing a new, expanded multilevel income limitation system for the so-called new pension and the parents' dependency and indemnity compensation program; second, it increases the maximum income levels of the new and old pension programs and the parents' DIC programs with an across-the-board increase of these limits by $200; and third, it provides a phase-in protection for those VA recipients who also receive social security benefits, recently increased by the 1967 Social Security Amendments.

I need not remind Senators of the adverse effect that retirement income increases, particularly social security, have on a VA pensioner's payment—a situation which has long been of concern to Congress. I was heartened when the administration joined in the Senate determination to provide some relief to veterans, widows, and children whose livelihood depended in great part upon their pension payments.

Several times the Senate has had occasion to pass measures which would have provided some answer to this problem, but each time, we were met with opposition by the House. However, when we conferred on S. 16 with the House members, they agreed that once the social security increase was determined, action would be taken to assure that a minimal increase in social security would not result in a large loss of pension to a veteran or his survivors. The House passed H.R. 12555 by a vote of 353 to zero and it was favorably recommended by the Committee on Finance. It goes far in achieving the objective of insuring protection for the pensions of our veterans and their dependents.

In providing this protection, as well as affording a built-in increase in pensions for most VA recipients, the first full year cost of the bill is $138 million. This is a small cost in relation to the recognition of the obligation that we owe to the more needy veteran families of the United States.

Mr. President, I ask that the Senate favorably adopt the bill as reported. For those Senators who want a more detailed report of the principal provisions of the bill, I ask unanimous consent to insert at this point in the RECORD a summary prepared by the staff of the Committee on Finance.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF PRINCIPAL PROVISIONS OF H.R. 12555

H.R. 12555 makes a number of substantial changes in the Veterans pension and survivor compensation programs, particularly with respect to the income limits.

I. *Income limits.*—The income limits determine a veteran's (or his survivor's) eligibility for benefits and the amount he would receive.

(a) *Multi-level Limits.*—Under present law there are three income limits which measure the need of a veteran for a pension, and in determining the amount he may receive. There are five such limits applied to parents under the dependency and indemnity (DIC) program. H.R. 12555 substitutes 18 limits for the three in the pension law applicable to a single veteran. It also substitutes 13 gradations for the five in the DIC program for a widowed parent. The following table illustrates these gradations and monthly amounts:

VETERAN, NO DEPENDENTS

Annual income other than pension				Monthly pension	
More than—		But equal to or less than—			
Existing law	H.R. 12555	Existing law	H.R. 12555	Existing law	H.R. 12555
			$300	----------	$110
	$300	----------	400	----------	108
	400	----------	500	----------	106
	500	($600)	600	($104)	104
	600	----------	700	----------	100
	700	----------	800	----------	96
	800	----------	900	----------	92
	900	----------	1,000	----------	88
	1,000	----------	1,100	----------	84
($600)	1,100	(1,200)	1,200	(79)	79
	1,200	----------	1,300	----------	75
	1,300	----------	1,400	----------	69
	1,400	----------	1,500	----------	63
	1,500	----------	1,600	----------	57
	1,600	----------	1,700	----------	51
(1,200)	1,700	(1,800)	1,800	(45)	45
(1,800)	1,800	----------	1,900	(None)	37
	1,900	----------	2,000	----------	29

(b) *Monthly Benefit.*—These addtional gradations permit a more orderly and gradual reduction in monthly benefits required because of slight increases in other income, such as, for example, social security.

(c) *Minimum Income Limit.*—In the case of a single veteran under the new pension program the minimum $600 annual income limit under present law (which qualifies a veteran for $104 of monthly benefits) would be replaced by a $300 limit (and a monthly benefit of $110). This feature recognizes that the less income a veteran has, the greater his need. And it provides him with a larger pension up to $72 more per year.

(d) *Maximum Income Limit.*—In the case of a single veteran under the new pension program the maximum amount of outside income a veteran may receive and still qualify for benefits is $1800. H.R. 12555 would raise this to $2000, in recognition of the 13% increase in social security payments enacted in 1968.

(e) *Conforming Changes.*—Comparable changes would be made in the schedules under the pension program for veterans with dependents, the death pension program, and under the DIC program for parents.

(f) *Old Law Pensioners.*—The only change contemplated by H.R. 12555 in the old program involves a $200 increase in the present $1400 limit for a single veteran and the $2700 limit for a married couple. This increase reflects the 13% increase in social security payments enacted in 1968.

II. Relation to social security.—

(a) H.R. 12555 would assure that no pensioner under the new pension law and no parent receiving dependency and indemnity compensation would have his benefit reduced during 1968 and 1969 solely as a result of an increase under the Social Security Amendments of 1967. However, commencing in 1970 the Veteran's (or survivor's) income for purpose of applying the income limitations would be increased in multiples of $100 per year until the full amount of his 1967 social security increases have been reflected.

For example, a single veteran has annual income of $1200 for pension purposes including social security of $984. Under the present veteran's law, he would qualify for a monthly pension of $79. Because of the social security increase enacted in 1968 his total income would rise by $144, causing his veterans pension to drop to $45 per month. In effect, he would forfeit $408 of veterans benefits for $144 of social security—a net loss of $264.

Under H.R. 12555 for 1968 and 1969 he would not be required to count the 1967 social security increase in measuring his income for pension purposes. His countable income would remain at $1200 and his pension would continue at $79 per month.

In 1970, however, this veteran must count $100 of the 1968 increase. This would make his income for pension purposes $1300 and would require his pension to be reduced to $75 per month. In 1971 he would count the remaining portion of his social security increase. His total income would then exceed $1300 and a further reduction in his pension to $69 per month would occur. The foregoing example takes into consideration the 10% exclusion of retirement income from a veteran's annual income for pension purposes. (This gradual and more restricted reduction contracts with the sharp reduction to $45 in 1969 required by existing law.)

The net effect of the bill after all social security benefits have been assimilated into the veteran's reportable income is to assure that generally his aggregate income will be greater than it was before the social security increase occurred.

(b) *Old Law.*—Presently, the so-called old law program has two levels of income limit determining pension eligibility; namely, $1400 for a single veteran and $2700 for a married veteran. To accommodate the 13% social security increase enacted in 1968, H.R. 12555 would raise these limits by $200—to $1600 and $2900 respectively. This would avoid the otherwise harsh result that would occur to nearly 40 thousand pensioners. For example some pensioners could forfeit up to $78.75 monthly ($945 yearly) resulting from an average $144 a year of social security—a net loss of $801.

III. Social security increase.—H.R. 12555 would generally assure that no VA beneficiary will ultimately end up with less aggregate annual income than he had prior to the 1967 social security increase. Hence, his total income would not be less because of his benefits increase. However, the phase-in provisions of H.R. 12555 do require the VA pensioner to include his social security increase in his income for benefit purposes and this has the effect of reducing his VA pension (but not as drastically as under present law).

IV. *End of year reduction.*—Under present law when there is a change in income of pensioners due to an increase in payments under a public or private retirement program such as social security, the reduction or discontinuance of the pensioners VA benefit is delayed until the last day of the year in which the income change occurred. H.R. 12555 would extend this same treatment to any increase in the income of the VA recipient, regardless of the source, and to any increase in the corpus of a VA recipient's estate.

V. *Costs.*—The costs of the amendments made by H.R. 12555 are made up of two parts. They are:

(a) *Increase in Pension and Income Limits.*—The costs attributable to the increases in monthly amounts of pension and

DIC and expansion of income limits on a yearly basis over a five-year period is as follows:

	Pension	(DIC)	Total (millions)
1st year	$29.2	$0.1	$29.3
2d year	121.1	.5	121.6
3d year	125.2	.5	125.7
4th year	129.3	.5	129.8
5th year	133.8	.4	134.2
Total	538.6	2.0	540.6

(b) *Social Security Increase Protection.*—The costs attributable to pensioners remaining on the rolls because of the phase-in provision of the bill, who would otherwise have been removed from the rolls because of their increased social security benefits (as well as those whose VA benefits will not be reduced) is as follows:

	New law pensions and DIC	Old law pensions	Total (millions)
1st year	$2.3	$2.1	$4.4
2d year	8.8	7.3	16.1
3d year	2.2	6.6	8.8
4th year	.0	5.9	5.9
5th year	.0	5.2	5.2
Total	13.3	27.1	40.4

The figures do not represent additional Federal outlays. They reflect the continuation of payments to veterans (and survivors) who received social security increases under the 1967 Act. The total represent the savings which would accrue if this bill were not enacted.

Mr. CURTIS. Mr. President, I am happy to join with the distinguished chairman of the Finance Committee in urging the Senate to adopt H.R. 12555, as reported by the Committee on Finance.

This bill essentially establishes a long-range system protecting veterans and their dependents from disproportionate losses of VA benefits due to increases in other income. The adverse effect that an increase in retirement income such as social security has on a veteran pension was dramatically highlighted when Congress authorized the 1965 social security increase. Members of both Houses received literally thousands of letters from veterans those VA pensions were sharply reduced or terminated because of the increase in social security benefits. In some instances a veteran ended up with less overall income than he had before the increase was authorized.

In light of these adversities and in recognition of the fact that a social security increase is, in part, to recognize a rise in the cost of living and an attempt to maintain the recipient's purchasing power, I and many of my colleagues in the Senate introduced measures designed to cope with the problem. Numerous times, the Senate adopted these proposed solutions only to have the House reject the Senate's position in conference. Finally, the Veterans' Administration as well as the White House realized that something had to be done in this regard and joined in the fight to protect the veteran's pension. In the last two veterans messages, the administration requested that legislation be enacted that would protect our needy veterans and their families from sharp losses in their pension benefits. H.R. 12555, as passed by the House of Representatives and favorably reported by the Committee on Finance, provides an acceptable solution to this problem.

In liberalizing the income limits of the new law pension program and in the dependency and indemnity program by substituting a multistep income limitation system for the present three-step and five-step limitation and combining with this new income level, benefits commensurate with the revised structure, the bill cushions the effect that would otherwise result from a minimal increase in benefits. Over 2 million VA recipients will be protected against loss or sharp reduction of their benefits as the result of this action. Further, nearly 1.2 million veterans will receive actual increases in their monthly VA checks.

For the old law pensioners the bill provides protection by increasing their present maximum income limits from $1,400 and $2,700 to $1,600 and $2,900.

Another important feature of the bill, which recognizes the attempts of the Senate to meet the problem of retirement income vis-a-vis pension, provides a phase-in of the social security increase of 1967. Under this special provision beginning in 1970, $100 increments of the 1967 social security increase will be recognized as income for pension purposes on a yearly basis until the full amount of the increase has been absorbed into the veteran's income.

We are fully aware that the phase-in will carry with it a minimal reduction in the veteran's future pension payments, but the important factor is that generally, no veteran, widow, or child, will end up with less annual income than he had prior to the 1967 social security increase. The Congress may have to look at the problem again by 1970.

It is important to note that the major veteran organizations have indicated their support for the bill as passed by the House and as favorably reported by the Finance Committee.

I think it is only justified to state that the Senate has labored long in the vineyard of relief and the fruit of those labors is now at hand. I therefore urge that the Senate adopt H.R. 12555.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1009) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I. PURPOSE

H.R. 12555 is designed to liberalize both the "new law" and the "old law" pension programs and the dependency and indemnity compensation program (DIC) by—

(1) Increasing the monthly amounts payable under the new law pension and DIC programs:

(2) Expanding the income limitations of these programs as well as "old law" pension; and

(3) Phasing-in recipients of the 1967 social security increases to a new multilevel income program.

The bill would also assure that increases in the income of the VA recipient, regardless of the source, or changes in the corpus of a VA recipient's estate do not decrease or terminate a VA benefit until the beginning of the next calendar year. Under present law this sort of deferral applies only with respect to increases in retirement benefits. The major objective of the bill is establishment of a long-range system to protect the veteran from the disproportionate pension losses that could result from increases in other income, particularly retirement income subject to periodic increases such as social security.

II. BRIEF SUMMARY OF MAJOR PROVISIONS

H.R. 12555 makes a number of substantial changes in the veterans pension and survivor compensation programs, particularly with respect to the income limits.

A. Income limits

The income limits determine a veteran's (or his survivor's) eligibility for benefits and the amount he would receive.

(1) *Multilevel limits.*—Under present law there are three income limits which measure the need of a veteran for a pension, and which determine the amount he may receive. (Similar income limits are applied to death pension.) There are five such limits applied to parents under the dependency and indemnity (DIC) program. H.R. 12555 substitutes 18 limits for the three in the pension law applicable to a single veteran. It also substitutes 13 gradations for the five in the DIC program for a widowed parent. The following table illustrates these gradations and monthly amounts in the pension program:

VETERAN, NO DEPENDENTS

Annual income other than pension				Monthly pension	
More than—		But equal to or less than—			
Existing law	H.R. 12555	Existing law	H.R. 12555	Existing law	H.R. 12555
			$300	----------	$110
	$300	----------	400	----------	108
	400	----------	500	----------	106
	500	($600)	600	($104)	104
	600	----------	700	----------	100
	700	----------	800	----------	96
	800	----------	900	----------	92
	900	----------	1,000	----------	88
	1,000	----------	1,100	----------	84
($600)	1,100	(1,200)	1,200	(79)	79
	1,200	----------	1,300	----------	75
	1,300	----------	1,400	----------	69
	1,400	----------	1,500	----------	63
	1,500	----------	1,600	----------	57
	1,600	----------	1,700	----------	51
(1,200)	1,700	(1,800)	1,800	(45)	45
(1,800)	1,800	----------	1,900	(None)	37
	1,900	----------	2,000	----------	29

(2) *Monthly benefits.*—Beginning January 1969 these additional gradations permit a more orderly and gradual reduction in monthly benefits required because of slight increases in other income, such as social security. In some instances, this will mean that the recipient will receive increased monthly amounts.

(3) *Minimum income limit.*—In the case of a single veteran under the new pension program the minimum $600 annual income limit under present law (which qualifies a veteran for $104 of monthly benefits) would be replaced by a $300 limit (and a monthly benefit of $110). This feature recognizes that the less income a veteran has, the greater his need. And it provides him with a larger pension of up to $72 more per year.

(4) *Maximum income limit.*—In the case of a single veteran under the new pension program the maximum amount of outside income a veteran may receive and still qualify for benefits is $1,800. H.R. 12555 would raise this to $2,000, in recognition of the 13-percent increase in social security payments.

(5) *Conforming changes.*—Comparable changes would be made in the schedules under the pension program for veterans with dependents and widows and under the DIC program for parents.

(6) *Old law pensioners.*—Unlike these comprehensive revisions of the new pension program, the only change contemplated by

H.R. 12555 in the old program involves a $200 increase in the present $1,400 limit for a single veteran and the $2,700 limit for a married couple. This addition reflects the 13-percent increase in social security payments.

B. Relation to social security

(1) *New law and DIC.*—H.R. 12555 would assure that no pensioner under the new pension law and no parent receiving dependency and indemnity compensation (DIC) would have his benefit reduced during 1968 and 1969 solely as a result of an increase under the Social Security Amendments of 1967. However, commencing in 1970 the veteran's (or survivor's) income for purposes of applying the income limitations would be increased in multiples of $100 per year until the full amount of his 1967 social security increases have been reflected.

For example, a single veteran has annual income of $1,200 for pension purposes, including social security of $984. Under the present veterans' law, he would qualify for a monthly pension of $79. Because of the social security increase enacted in 1968 his total income would rise by $144, causing his veteran's pension to drop to $45 per month. In effect, he would forfeit $408 of veterans' benefits for $144 of social security—a net loss of $264.

Under H.R. 12555 for 1968 and 1969 he would not be required to count the 1967 social security increase in measuring his income for pension purposes. His countable income would remain at $1,200 and his pension would continue at $79 per month.

In 1970, however, this veteran must count $100 of the 1967 increase. This would make his income for pension purposes $1,300 and would require his pension to be reduced to $75 per month. In 1971 he would count the remaining portion of his social security increase. His total income would then exceed $1,300 and a further reduction in his pension to $69 per month would occur. The foregoing example takes into consideration the 10-percent exclusion of retirement income from a veteran's annual income for pension purposes. This gradual and more restricted reduction contrasts with the sharp reduction to $45 in 1969 required by existing law.

The net effect of the bill after all social security benefits have been assimilated into the veteran's reportable income is to assure that his aggregate income will generally be greater than it was before the social security increase occurred.

(2) *Old law.*—Presently, the so-called old law program has two levels of income limit determining pension eligibility; namely, $1,400 for a single veteran and $2,700 for a married veteran. To accommodate the 13-percent social security increase enacted in 1968, H.R. 12555 would raise these limits by $200—to $1,600 and $2,900, respectively. This would avoid the otherwise harsh result that would occur to nearly 40,000 pensioners. For example, some pensioners could forfeit up to $78.75 monthly ($945 yearly) resulting from an average $144 a year of social security—a net loss of $801.

C. End-of-year reduction

Under present law when there is a change in income of pensioners due to an increase in payments under a public or private retirement program such as social security, the reduction or discontinuance of the pensioner's VA benefit is delayed until the last day of the year in which the income change occurred. H.R. 12555 would extend this same treatment to any increase in the income of the VA recipient, regardless of the source, and to any increase in the corpus of a VA recipient's estate.

* * * * *

C. "Old law" pension

With regard to those individuals who receive "old law" pension under the first sentence of sec. 9(b) of the Veterans' Pension Act of 1959, the bill protects such persons against loss of pension because of an increase under the Social Security Amendments of 1967 by increasing the annual income limitations to $1,600 for a single veteran or widow and $2,900 for a veteran with dependents or a widow with children—a $200 increase in each instance. $7.3 million in payments will thus be preserved for nearly 35,000 pensioners. Since no more veterans or widows may come on these rolls, there would be no addition to this group of non-service-connected pensioners.

D. Reasons for the bill

The Committee on Finance and the Senate have long been concerned with the adverse effect an increase in retirement income has on a VA recipient's payment.

Both the pension and DIC programs have income limits used in determining a person's eligibility for VA payments and their monthly amounts. Generally, the VA considers all income of the recipient including social security benefits, in computing his annual income for pension purposes. As reflected in the prior tables on page 4, income levels vary and have commensurate monthly benefits assigned. This is in line with the underlying needs concept of the pension and DIC program whereby the higher the outside income of any person, the lower his VA payments. Thus, a person whose annual income is just below a specific income level can, with a minimal increase in his other retirement income such as social security, be forced over that level into the next income bracket and have his monthly VA benefit greatly reduced, or if his income increase brings him over the maximum level permitted by the VA, his VA payment is stopped.

During both the 88th and 89th Congresses, veteran measures were passed by the Senate to exclude the then proposed social security increase from the VA recipient's income for pension purposes.

The Committee on Finance, together with the Senate, felt that retirement benefit increases, and, in particular, social security increases met the additional need of retirees brought about by changes in wages, prices, and other economic factors that had occurred since the previous increase in such benefits were authorized. Thus, social security benefit increases were generally designed to provide social security recipients with additional necessary funds to meet their everyday needs. They were not designed to deny veterans and their surviving widows and parents from continuing to receive their VA benefits. However, many such persons had their VA payments cut back or terminated because of the social security increase. This action nullified the overall effectiveness and purpose of the increase, not only by failing to add to their overall purchasing power but also by cutting back in what they were receiving. It was this adverse effect the Senate-passed bills sought to avoid.

None of these measures were adopted by the House of Representatives. The House was persuaded by that feature of law (unchanged by H.R. 12555) which permits any VA beneficiary to exclude 10 percent of social security or other retirement income in establishing his eligibility for monthly VA benefits, that sufficient relief through this 10-percent exclusion had been given to recipients whose other income was made up of retirement income such as social security.

In 1967, however, the administration began to share the Senate's concern regarding disproportionate reductions in pensions following increases in retirement income.

In his message to Congress on January 31, 1967, relating to America's servicemen and veterans, the President recommended legislation providing safeguards against the reduction or termination of a VA beneficiary's pension benefits because of increases in his retirement income. The President urged similar legislation again in his recent veterans' message of January 30, 1968.

The budget message for fiscal year 1969 pointed out: "Legislation should be enacted to relate veterans' pension payments more closely to individual needs and provide better protection against loss of income." It is also noteworthy that the conference committee on S. 16, the Veterans' Pension and Readjustment Act of 1967, asserted in its manager's report that:

"The conferees wish to make clear that it is their intention to take the necessary action to assure that any increase in social security payments which might result from enactment of H.R. 12080 will not result in a reduction of combined income from VA pension, dependency and indemnity compensation, and social security or in removal of any person from the VA pension or dependency and indemnity compensation rolls."

The committee is of the opinion that H.R. 12555 largely achieves the objective long sought by the Senate (and now concurred in by both the House of Representatives and the administration) by assuring that a VA pensioner shall be protected against large losses in his VA income because of minimal increases in other retirement income such as social security.

The transition from a three-level income increment system for determining monthly VA benefits to a more sophisticated multilevel system coincides in point of time with a substantial social security increase. For this reason, the bill contains a special protection feature assuring no loss in pension to ease the transition to the new pension structure. The Finance Committee agrees with the House committee that this protective feature is a special device and is not intended to serve as a precedent for the future. On the contrary, the rate structure provided by this bill has been carefully designed to assure that pensioners confronted in the future with increases in retirement-type income would never be disadvantaged by a disproportionate decrease in pension. Of course in any system utilizing income limitations there will be those who because of changes in income exceed the top income limit provided by law and thus go off the pension rolls. The provision, while assuring the protection previously described, gives this group of social security beneficiaries protection through the remainder of 1968 and calendar year 1969 at their current non-service-connected pension level. On January 1, 1970, there will be an income adjustment of $100, and on January 1, 1971, there will be another $100 adjustment, thus placing this group, now estimated at approximately 173,500, in their appropriate place in the income limitation schedule.

E. End-of-year rule

The bill would extend to all income and to corpus of estate changes the more liberal end-of-the-year rule for reduction or discontinuance of benefits which currently applies only to an increase in retirement income. Thus, the Veterans' Administration will continue to base benefit awards on reports of anticipated annual income made at the beginning of a calendar year, and if thereafter there is an increase in annual income, retirement, or other source, which requires reduction or discontinuance of a benefit, such adjustment would be deferred until the end of the particular calendar year.

F. Overall benefits

It is noteworthy that enactment of H.R. 12555 would provide additional veterans benefits totaling nearly $138 million for the first full year. This amount combined with the first full year benefits authorized by H.R. 14347 (Public Law 89-730) for DIC parents and children, and by S. 16 (Public Law 90-77) for new and old pensioners, would mean that in less than 1½ years Congress will have authorized nearly a quarter of a billion dollars in additional pension and DIC benefits for veterans and survivors.

G. Veterans' organizations position

The committee has been advised by the major service organizations of veterans that they support H.R. 12555 as passed by the House of Representatives.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG of Louisiana. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SALINE WATER CONVERSION PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 991, S. 2912.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2912) to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That section 8 of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 151 et seq.) is further amended by changing the beginning of section 8 through to the first proviso to read as follows:

"SEC. 8. There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appropriation authorization acts (a) to carry out the provisions of this Act during the fiscal years 1962 to 1972, inclusive; (b) to finance, for not more than two years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this Act; and (c) to finance, for not more than three years beyond the end of said period, such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act:".

SEC. 2. There is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1969 the sum of $27,358,000 as follows:

(a) Research and development operating expenses, not more than $19,075,000;

(b) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $4,772,000;

(c) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $1,350,000; and

(d) Administration and coordination, not more than $2,161,000: *Provided*, That expenditures and obligations under any of these items except the last may be increased by not more than ten per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including the last.

SEC. 3. In addition to the sums authorized to be appropriated by this Act, the Secretary may utilize any funds previously appropriated for this program which are not obligated on June 30, 1968, subject to the dollar limitations applicable to the fiscal year 1968 program.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1010) explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of this legislation, which was proposed by the administration, is to authorize appropriations for fiscal year 1969 for the saline water conversion program and to amend the Saline Water Conversion Act in other respects.

The amount authorized to be appropriated in fiscal year 1969 is $27,358,000, which is the amount requested in the President's budget. Further limitations are imposed upon the portions of this amount which may be applied to specific activities within the program. The utilization of funds carried over from prior years is specifically authorized, although subject to the specific limitations set forth in each annual authorization.

The basic act is amended to remove language regarding the overall appropriation limitation on the program and the confusing "declining balance" language now in the law. This amendment will simplify the legislation required to authorize appropriations for future fiscal years.

BACKGROUND

The Federal saline water conversion program was established by the act of July 3, 1952 (66 Stat. 328). Through a series of amendments (act of June 29, 1955, 69 Stat. 198; September 2, 1958, 72 Stat. 1706; September 22, 1961, 75 Stat. 628; August 11, 1965, 79 Stat. 509; and June 24, 1967, 81 Stat. 78), the program has been expanded in scope and extended in term. Existing legislation authorizes to be appropriated "* * * $105,782,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $169,218,000 * * *" to continue the program through fiscal year 1972. Through fiscal year 1968, $102,300,000 has been appropriated under this authorization.

Because of the uncertainties of future direction which are inherent in a research program of this nature, it has been the policy of the Congress to require the Department of the Interior to submit legislation to authorize appropriations for the research and development work proposed for each fiscal year.

PRESENT LEGISLATION

On January 29, 1968, the Department of the Interior submitted to the Congress proposed legislation to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes. The legislation provided, by amendments to the act of July 3, 1952, as amended that (1) $27,358,000 be authorized for appropriation for fiscal year 1969 subject to limitations among certain activities, and (2) that funds previously authorized and appropriated for the program remain available for use in fiscal year 1969.

The Subcommittee on Water and Power Resources held an open hearing on February 14, 1968, to take testimony on the Department of the Interior submitted bill, S. 2912.

COMMITTEE AMENDMENT

The committee amended the bill by deleting all after the enacting clause and substituting language which will retain the objectives of the Department's proposal but will simplify the legislation required to authorize appropriations to continue the program in subsequent fiscal years.

Section 1 of the amendment would amend section 8 of the Saline Water Conversion Act as amended to delete the language which establishes an overall ceiling and remaining balance for appropriations to continue the program through fiscal year 1972. It would provide only for annual appropriation authorization acts and would thereby eliminate the necessity for further amendments to section 8 in each successive fiscal year. It would retain language which will permit the expenditure of funds after fiscal year 1972 to complete contracts and grants and the coordination of the results of the program.

Section 2 of the amendment would authorize appropriations of $27,358,000 for fiscal year 1969. It would further establish ceilings on activities within the program with the provision for transfers of funds among activities such that any activity with the exception of "administration and coordination" may be increased by 10 percent. The limitations of section 2 are in accordance with the Department of the Interior's recommendations and the President's budget for fiscal year 1969.

Section 3 of the amendment specifically provides that, in addition to the amounts authorized for appropriation in section 2, any fiscal year 1968 funds which remain unobligated may be utilized, but pursuant to the 1968 expenditure limitations. It is the intent of this section that the authorized fiscal year 1969 program will be the sum of the appropriations authorized in section 2 and the funds carried over from fiscal year 1968.

COMMITTEE RECOMMENDATIONS

The Interior and Insular Affairs Committee recommends that S. 2912, as amended, be enacted.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize appropriations for the saline water conversion program for fiscal year 1969, and for other purposes."

LAKE OAHE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 992, H.R. 2901.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2901) to designate the Oahe Reservoir on the Missouri River in the States of North Dakota and South Dakota as Lake Oahe.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report—No. 1011—explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 2901 is to give the official name, Lake Oahe, to the reservoir behind the Oahe Dam.

The Oahe Dam was constructed by the Army Corps of Engineers under the Flood Control Act of 1944. It is one of the largest earthfill structures in the world, and impounds a maximum water surface pool of 376,000 acres with a shoreline of 2,250 miles.

The reservoir has never been named officially. It is fitting that the reservoir be named for the Indian people who first lived in the area. Oahe is a Sioux Indian word meaning "foundation, a place to stand upon, or a stepping stone." Oahe Reservoir is, in fact, the foundation of the Missouri Basin development program. It is expected to be the foundation of great future development. The name is already generally accepted and in common usage.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the reading of the Journal tomorrow the distinguished Senator from Ohio [Mr. YOUNG] be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATION OF RESERVE REQUIREMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 989, H.R. 14743. It is being laid before the Senate so that it will be the pending business tomorrow morning.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14743) to eliminate the reserve requirements for Federal Reserve notes and for U.S. note and Treasury notes of 1890.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ADJOURNMENT TO 11 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment.

The motion was agreed to; and (at 6 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, March 12, 1968, at 11 a.m.

NOMINATION

Executive nomination received by the Senate March 11, 1968:

U.S. CIRCUIT JUDGE

Otto Kerner, of Illinois, to be U.S. circuit judge for the seventh circuit vice Win G. Knoch, retired.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1968:

DISTRICT OF COLUMBIA COUNCIL

The following-named persons to be members of the District of Columbia Council for terms expiring February 1, 1971:

Margaret A. Haywood, of the District of Columbia.

J. C. Turner, of the District of Columbia.

Joseph P. Yeldell, of the District of Columbia.

DISTRICT OF COLUMBIA COURT OF APPEALS

Austin L. Ficklin, of the District of Columbia, to be associated judge for the District of Columbia of Appeals for the term of 10 years.

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

William C. Pryor, of the District of Columbia, to be associate judge of the District of Columbia court of general sessions for the term of 10 years.

James A. Belson, of the District of Columbia, to be associate judge of the District of Columbia court of general sessions for the terms of 10 years.

Joyce Hens Green, of the District of Columbia, to be associate judge for the District of Columbia court of general sessions, domestic relations branch, for the term of 10 years.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Alfred P. Love for reappointment as a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 3, 1968, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

EXTENSIONS OF REMARKS

Will America Also Go Down the Drain?

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, March 11, 1968

Mr. FANNIN. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Will America Also Go Down the Drain?" published in the Arizona Republic of Sunday, February 11, 1968. The editorial is thought provoking and contains much good commonsense. I commend it to the reading of every Member of the Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILL AMERICA ALSO GO DOWN THE DRAIN?

"Germany will militarize herself out of existence, England will expand herself out of existence, and America will spend herself out of existence." So said Nikolai Lenin in 1917.

Germany has fulfilled the prophecy. England has fulfilled the prophecy. America is in the process of doing so.

Our country has already reached the point where our profligate, wasteful, extravagant and unnecessary government spending is threatening the entire future of our nation and our people. We keep being reassured that we can afford all those billions, that "the people" need or want these expensive programs at home and abroad, that we only owe our huge debt to ourselves. But the dollar is in trouble. Inflation is increasing. We are losing gold at unprecedented rates. And taxes are still increasing.

In 1960 our total federal budget was $94 billion. Last year it was almost double that—$172 billion. The President has asked for $186 billion for 1969. And every state is increasing expenses and increasing taxes.

Do we really need to spend all these billions? Do "the people" want to be taxed all those billions?

There have been 112 "new" federal programs since 1960. The President has asked for 16 new ones this year. Since 1960 only one federal program has been abolished. All the rest have been increased. Congress last year increased the budget by $13.5 billion—more than the biggest total budget of Roosevelt's peacetime years!

We have spent $152 billion on foreign aid and interest on what we borrowed to spread this money around to more than 100 countries. What good did it do? What good did it do you? What good is it doing now?

There is $23 billion "in the pipeline" for foreign aid—all so far unspent. Yet the President keeps asking for more and more billions to add to it!

Do you want to spend the $36.5 million Vice President Humphrey just promised to send to the Ivory Coast while the President was proposing a tax on American tourists going abroad?

The administration is spending millions to beautify our highways and tear down ugly signs. At the same time it is spending $5 million to erect new signs to put up along the highways!

Do you want to pay taxes to finance a $2,350 picnic shelter in Manitowoc County, Wis.? How about the $2.5 million we spent to build houses in Rio de Janeiro? The $1 million we spent on trains in Thailand? The $1.5 million we spent on a WAC barracks in Maryland just before the WACs were sent to Florida? Or the $45,000 flagpole?

You paid $33,398 for 130 knobs at the Pentagon that retailed at only $210. You paid for 27,000 tons of food that was just plain "lost" overseas. That cost $4.3 million, or the same amount that an entire city of 10,000 people pay each year in income taxes.

You are paying the salaries of 276,000 more federal employes this year than last. Nondefense spending has almost doubled since 1960. The national debt has increased 14 times since 1960. Since President Johnson entered the White House, your cost of living has increased 9 per cent!

The federal government spends $17 billion on "research." That is enought by itself to wipe out this year's inflation-producing deficit. What is this research for? Nobody knows. The Library of Congress tried to find out and reported that nobody in the federal government knows how many research laboratories are federally financed or where they are!

The Department of Health, Education and Welfare spends more than $100 million a year on research programs like "Understanding the Fourth Grade Slump in Creative Thinking." The Commerce Department spent $95,-